

ARTICLE II. DWELLING DISTRICT REGULATIONS

Sec. 731-200. General dwelling district regulations.

The following regulations shall apply to all land within the dwelling districts.

(a) After the effective date of this ordinance:

- (1) With the exception of legally established nonconforming uses,** no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance. Signs, however, are regulated by Chapter 734 of this Code.
- (2) A lot may be divided into two (2) or more lots,** provided that all resulting lots and all buildings thereon shall comply with all of the applicable provisions of the Dwelling Districts Zoning Ordinance of Marion County. If such a lot, however, is occupied by a nonconforming building, such lot may be subdivided provided such subdivision does not create a new noncompliance or increase the degree of noncompliance of such building.
- (3) No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated** except in conformity with these regulations and for uses permitted by this ordinance with the exception of signs, which are regulated by Chapter 734 of this Code, and of the following provisions:
 - a. Restoration of legally established nonconforming uses, structures, buildings.** Legally established nonconforming uses and structures or buildings may be restored to their original dimensions and conditions if damaged or partially destroyed by fire or other disaster provided the damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the building, structure or facilities affected; except, however, all land within any flood control district shall, also, be subject to the requirements of section 735-300 through section 735-310 of this Code.
 - b. Discontinuation of nonconformity.** The lawful nonconforming use or occupancy of any lot, in a dwelling district, existing at the time of the effective date of this ordinance, may be continued as a nonconforming use, but if such nonconforming use is discontinued for one (1) year, any future use or occupancy of said land shall be in conformity with the provisions of this ordinance.
 - c. Legally established nonconforming uses; public schools.** Any legally established nonconforming use public elementary, middle, junior high or high school (including any structures, facilities and parking areas accessory thereto) may be converted, enlarged, extended, reconstructed or relocated for such public school use on the same lot or parcel as it existed on August 8, 1966, provided such school building, structure, facilities and parking area shall conform to the minimum yard and setback requirements of the applicable dwelling district.
 - d. Yard setback exceptions:**
 - 1. Established front setback exception/averaging.** In any block in which an existing front yard depth and setback is established (by existing legally established buildings within a Dwelling District) for more than twenty-five (25) percent of the linear frontage of the block (or a distance of two hundred (200) linear feet in either direction, whichever is the lesser), the minimum required front yard depth and setback for any new building or structure shall be the average of such established front yards if such dimension is less than the minimum required minimum front setback established by this ordinance.

2. Expansion along an existing, legally established nonconforming front setback line. The minimum required front setback in any Dwelling District for any existing building, having a legally established front setback that is less than the required setback of the district, shall be modified to permit expansion of such building along its existing established front setback, provided that:

- i. Only a one-time expansion along the legally established nonconforming front setback line shall be permitted; and
- ii. The linear front footage of expansion does not exceed fifty (50) percent of the linear front footage of the original building, and all other requirements of this ordinance are maintained for the expansion. Provided: For both 1. and 2. above, however, in no case shall a building or structure:
 1. Encroach upon any proposed right-of-way, as determined by the Official Thoroughfare Plan of Marion County, Indiana;
 2. Encroach upon any existing right-of-way; or
 3. Encroach into a clear sight triangular areas, as required in section 731-221(c)(1).

3. Side and rear yard setback exceptions. The minimum side and rear yard setback requirements of the D-S, D-1, D-2, D-3, D-4, D-5, D-5II, and D-8 (for a lot containing a single or a two-family dwelling unit) Districts shall be subject to the following:

- i. Primary buildings: The primary building may be enlarged or extended along a legally established nonconforming side yard between the established front setback line and the established rear setback line of the primary building provided that the linear footage of such enlargement or extension:
 - a. does not exceed fifty (50) percent of the linear footage of the primary building along that side setback line, or
 - b. be a one-time only expansion along the legally established setback line.
- ii. Detached accessory buildings.
 1. Legally established, detached, accessory garages may be reconstructed on an existing foundation, even though such reconstruction would not comply with required side or rear yards.
 2. An accessory building may be enlarged or extended along a legally established nonconforming side or rear yard provided that the linear footage of such enlargement or extension:
 - a. does not exceed fifty (50) percent of the linear footage of the accessory building along that side or rear setback line;
 - b. be a one-time only expansion along the legally established setback line; and,
 - c. such enlargement or extension shall not encroach into any required yard other than the existing nonconforming side or rear yard along which the enlargement or extension is occurring.

e. Lot area, lot width exception. Any lot recorded or any platted lot recorded prior to the adoption of this ordinance, having less than the minimum lot area or minimum lot width required by the applicable dwelling district regulations of this ordinance for a single-family dwelling, shall be deemed an exception to such minimum lot area

and lot width requirement, and a single-family dwelling may be constructed thereon provided all other requirements of this ordinance, including minimum yard and setback requirements, shall be maintained.

f. Reserved.

g. D-6 and D-6II district single-family exception. In the D-6 and D-6II districts, a single- or two-family dwelling, including accessory structures, may be constructed, erected, enlarged, extended, or reconstructed on any platted lot recorded prior to the adoption of this ordinance that was specifically platted for single-family dwelling purposes. Such development shall be in accordance with the approved plat, any restrictions thereof, and any commitments resulting from the rezoning of such lot.

(4) The front, side and rear setback and minimum front, side and rear yard requirements of all dwelling zoning districts shall be subject to the following exception for all land within the Town of Meridian Hills, Indiana: The required front, side and rear setback and minimum front, side and rear yard requirements applicable to all land within the Town of Meridian Hills, Indiana, however presently zoned, shall be not less than the standards of the class R-1, R-2, and R-3 area districts, respectively, previously applicable thereto as said land was formerly zoned, in accordance with the Meridian Hills Zone Map and section 12 of the Zoning Ordinance of the Town of Meridian Hills, Indiana, General Ordinance No. 1, 1946, prior to the effective date of the comprehensive Dwelling Districts Zoning Ordinance of Marion County, Indiana, Ordinance 66-AO-2, which rezoned and reclassified said land. (Said Zoning Ordinance of the Town of Meridian Hills, Indiana, section 12 and Meridian Hills Zone Map, adopted by the Marion County Council March 28, 1957, as a part of Marion County Council Ordinance No. 8-1957, are hereby incorporated herein by reference).

[G.O. 3, 2007]

(5) Secondary means of escape. Any secondary means of escape that includes, but is not limited to, fire escapes or similar emergency accesses, shall be located on the rear or side facades of the building or structure. In the case of a building or structure located on a corner lot, the secondary means of escape shall not be located on the facade of any building or structure that has frontage along a public or private street.

(6) Side yard setback; zero (0) lot line option. The minimum side yard setback requirements of the D-S, D-1, D-2, D-3, D-4, D-5, and D-5II zoning districts shall be subject to the following exceptions: Any plat of a subdivision submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce the minimum side yard requirement for one (1) side yard of each lot to zero (0) feet provided that:

- a. A minimum distance of ten (10) feet shall be required and maintained between all buildings on adjacent lots; and,
- b. No windows or doors shall be provided or maintained on that portion of the structure that reduces the required side yard by use of this exception; and,
- c. The aggregate side yard(s) is provided on the lot according to the applicable dwelling district regulations; and,
- d. An easement, providing for the continual maintenance of that portion of the structure that reduces the required side yard by use of this exception, is provided, recorded and maintained.

(7) Exceptions to dwelling district development standards for the development of cluster subdivisions. In any plat of a subdivision recorded after January 1, 1990, in the D-S, D-1, D-2, D-3 and D-4 zoning districts the following exceptions shall apply. Any

subdivision, the plat of which is submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, may be developed as a cluster subdivision in accordance with the following:

- a. Purpose.** Cluster subdivisions are intended to allow greater flexibility in design and development of subdivisions, in order to produce innovative residential environments, provide for more efficient use of land, protect topographical features, and permit common area and open space. To accomplish this purpose, the following regulations and exceptions shall apply only to cluster subdivisions.
- b. Exceptions to dwelling district development standards.** Exceptions to the development standards relating to the subdivision's lot size, shape and dimensions may be permitted for individual lots within a cluster subdivision, as follows:

 1. Project area (minimum size of subdivision). There shall be a minimum of five (5) acres required for the development of a cluster subdivision. The tract of land to be developed shall be in one (1) ownership or shall be the subject of an application filed by the owners of the entire tract. The tract shall be developed as a unit and in the manner approved.
 2. Project density. The overall maximum density of the proposed cluster subdivision shall remain the same as that permitted by developing the same site area into developable lots in full compliance with the applicable underlying dwelling district regulations and the Subdivision Control Ordinance of Marion County, Indiana.
 3. Sewers. Attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in any cluster subdivision with a minimum lot area of less than twenty-four thousand (24,000) square feet.
 4. Area, width, setback, and open space for individual lots. Individual lots in a cluster subdivision are exempt from the following development standards of the applicable dwelling district:

 - i. Minimum lot area.
 - ii. Minimum lot width.
 - iii. Minimum lot width at setback.
 - iv. Minimum side and rear yard setback regulations. Minimum side and rear yard setback regulations may be modified by the following:

 - Setback from any subdivision boundary property lines: Twenty (20) feet.
 - The minimum rear yard setback: Fifteen (15) feet.
 - The minimum side yard setback shall have a minimum depth in accordance with section 731-200(a)(6), Side yard setback; zero (0) lot line option, with the exception that provision 200 (a)(6)c. shall not apply when utilizing the cluster subdivision exception.
 - v. The minimum street frontage. Minimum street frontage may be reduced to fifteen (15) feet provided, however, that each individual lot shall have direct access to a public street; and,
 - vi. Minimum open space. Individual cluster lots shall have a minimum open space of fifty (50) percent.
 5. Project open space. The amount of permanent open space created by the development of the site as a cluster subdivision shall be equivalent to, or

more than, the total reduction in lot sizes. At least seventy-five (75) percent of the total amount of open space shall consist of tracts of land at least fifty (50) feet wide. The open space created by the development of the site as a cluster subdivision shall be provided in such a manner that it is preserved in its naturally occurring state for passive recreational activities. A subordinate amount of this open space may be developed as a common recreational area. The open space created by the development of the site as a cluster subdivision shall further be provided in such a manner that it is accessible to residents of the subdivision and for maintenance. The open space shall perpetually run with the subdivision and shall not be developed or separated from the cluster subdivision at a later date. Provisions shall be made for continuous and adequate maintenance at a reasonable and nondiscriminatory rate of charge.

c. Procedures for cluster subdivision approval.

1. The petitioner shall submit two (2) site plans for the property proposed for a cluster subdivision for review and conceptual design approval by the Administrator prior to filing for plat approval.
 - i. Site plan 1 shall depict the development of the site in full compliance with all use and development standards of the applicable underlying dwelling district and the Subdivision Control Ordinance of Marion County, Indiana. This site plan will be used to determine the maximum number of developable lots possible on the site and set the density of that development.
 - ii. Site plan 2 shall depict the development of the site as a proposed cluster subdivision. The density of the overall development shall be no greater than that permitted by the development of the site depicted in site plan 1.
2. The Administrator shall compare the proposed cluster subdivision with the site plan showing the same site developed in compliance with the applicable dwelling district and determine the appropriateness of cluster design for the site.
3. In determining the appropriateness of cluster design for the site, the Administrator shall look for the following attributes:
 - i. Protection of unique topographical features on the site, including but not limited to slopes, streams, natural water features.
 - ii. Protection and preservation of wooded areas, individual trees of significant size, wetlands, or other environmentally sensitive features.
 - iii. Development of common open space and recreational areas accessible to residents of the subdivision including provisions for walkways and bikeways.
 - iv. Providing a more efficient use of the land.
 - v. Producing innovative residential environments.
 - vi. Minimizing the alteration of the natural site features to be preserved through the design and situation of individual lots, streets, and buildings.

- vii. Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.
 - viii. Relationship to surrounding properties, improvement of the view from and of buildings, and minimizing of the land area devoted to motor vehicle access shall be encouraged through the arrangement and situation of individual lots, buildings, and units.
- 4. The Administrator shall further review the proposed cluster subdivision to ensure that the proposed cluster development will be constructed, arranged, and operated so as not to interfere with the development and use of neighboring property, in accordance with the applicable district regulations, to include any necessary transition along the perimeter of the development with adjacent single-family zoning districts.
 - 5. If upon review, the Administrator, based upon the attributes noted above, determines that the proposed cluster subdivision is not appropriate for the site, the Administrator shall inform the petitioner in writing of the determination. The petitioner may, within five (5) business days, appeal the Administrator's decision by filing an approval petition before the Metropolitan Development Commission.
 - 6. If upon review the Administrator, based upon the attributes noted above, determines that the proposed cluster subdivision is appropriate for the site, the Administrator shall:
 - 1. inform the petitioner in writing of the determination; and,
 - 2. send a copy of that letter to the applicable registered neighborhood organizations.

The petitioner may then proceed with the filing of a preliminary plat before the Plat Committee. The filed plat shall be in substantial compliance with the proposed plat approved by the Administrator. The legal notice for the public hearing of the Plat Committee regarding such a preliminary plat shall indicate clearly that the request is for a cluster subdivision.

d. Maintenance of common open space areas. As a condition of Administrator's approval of the cluster subdivision permitting exceptions to the standard requirements of the applicable zoning district, the petitioner shall submit with the site plan for review and approval documentary assurances that permanent dedication of the open space areas shall be made and that adequate provision(s) is being made for continuous and adequate maintenance of project open space, common areas and recreation areas. Once approved by the Administrator, the documentary assurances shall be filed with the Plat Committee at the time a petition for plat approval is initiated. Further, the documentary assurances shall be incorporated in the plat that is recorded with the Office of the Marion County Recorder. No exceptions to these requirements shall be permitted unless the Plat Committee determines that the petitioner has adequately provided for such upkeep, protection and maintenance of open space, common area or recreational areas through other legally binding perpetual agreements.

(8) Requirement for group homes for the mentally ill. In any Dwelling District, a group home (as defined in section 731-102) for the mentally ill shall be excluded from a residential area if the group home is located within three thousand (3,000) feet of another group home for the mentally ill, as measured between lot lines.

(9) Legal establishment of nonconforming uses that were not legally initiated prior to April 8, 1969.

- a. A nonconforming use in a district of the Dwelling District Zoning Ordinance (as adopted by the Metropolitan Development Commission under docket number 66-AO-2) shall be deemed to be legally established (relative to both use and development standards) if the use:
1. Existed prior to April 8, 1969; and
 2. Has continued to exist from April 8, 1969, to the present; and
 3. Has not been abandoned; and
 4. Of the entire building has not been vacant voluntarily for any period of three hundred sixty-five (365) consecutive days.

A certificate stating the use and development of a property are legally established under this section shall be available from the Administrator on the presentation of sufficient evidence. The Rules of Procedure of the Metropolitan Development Commission shall outline the procedure to be followed in order to obtain an official certificate.

- b. Any construction, erection, conversion (including, but not limited to the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring after April 8, 1969, have been done in conformity with these regulations and have been done for uses permitted by this ordinance. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by this ordinance.

- c. This subsection 731-200(a)(9) shall:

1. Have no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, or the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance).
2. Not relieve any property of the legal obligation to comply with conditions or commitments that lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.
3. Not apply to a property if written records of the:

- i. Health and Hospital Corporation of Marion County;
- ii. Fire department having jurisdiction over the property;
- iii. Local law enforcement agency or agencies having jurisdiction over the property; or
- iv. Indiana Department of Environmental Management or Department of Natural Resources;

for the twenty-four-month period prior to October 1, 1996, reflect that there has been a significant violation of laws pertaining to public health or safety or ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance) for activities occurring on the property or the condition of the property.

- d. **Definition of significant violation.** For purposes of this provision, a violation is defined to be significant as:

1. Any outstanding violation or three (3) or more separate citations from any of the health and safety agencies referred to in subsection 731-200(a)(9)c.3. of this ordinance; or
2. Any citation or violation of Sections 302, 304, 310, 311, 313, and 701, as amended, of Chapter 10 of the Code of the Health and Hospital Corporation of Marion County, Indiana (Housing and Environmental Standards Ordinance); or
3. One (1) or more convictions of a tenant, owner, or lessee for criminal activities occurring on the property.

(b) All uses established or placed into operation after August 2, 1966, shall comply with the following performance standards. No use in existence as of the effective date of this ordinance shall be so altered or modified as to conflict with these standards.

- (1) Vibration. No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
- (2) Smoke. No use shall emit smoke of a density equal to or greater than No. 2 according to the Ringelmann Scale, as now published and used by the U. S. Bureau of Mines, which scale is on file in the office of the bureau of license and permit services of the department of code enforcement, and is hereby incorporated by reference and made a part hereof.
- (3) Dust. No use shall cause dust, dirt or fly ash of any kind to escape beyond the lot lines in a manner detrimental to or endangering the public health, safety or welfare or causing injury to property.
- (4) Noxious matter. No use shall discharge across the lot lines noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- (5) Odor. No use shall emit across the lot lines odor in such quantity as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- (6) Sound. No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat, frequency, shrillness or vibration.
- (7) Heat and glare. No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
- (8) Waste. No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; and the Stream Pollution Control Board of the State of Indiana, or in such a manner as to endanger the public health, safety or welfare; or cause injury to property.

(G. O. No. 100, 1989, § 2, 11-20-89; G. O. No. 4, 1992, § 1(A)--(D), 2-24-92; G.O. 97, 1995, § 1(A); G.O. 173, 1996, § 1; G.O. 47, 1997, § 1(A, B); G.O. 2, 2002, § 6; G.O. 96, 2009)

Sec. 731-201. D-A dwelling agriculture district regulations.

Statement of purpose. The D-A district provides for a variety of agricultural enterprises. It is intended to provide for the production, keeping or maintenance, for sale, lease or personal use, of plants and animals and any mutations or hybrids thereof, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; the breeding or grazing of animals; hog operations; bee and apiary products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such an agricultural enterprise. A secondary intent of this district is large estate development of single-family dwellings. This district represents the very low density residential classification of the Comprehensive General Land Use Plan, and in fact provides for the lowest density of the Dwelling Districts Zoning Ordinance. This district does not require public water and sewer facilities. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.

(a) Permitted D-A uses. The following uses shall be permitted in the D-A district. All uses in the D-A district shall conform to the D-A development standards (section 731-201(b)) and the dwelling district regulations of section 731-200.

- (1) Either one single-family dwelling, including a manufactured home as regulated in section 731-222, or one group home, as defined in section 731-102 and as regulated in section 731-200(a)(8), or one religious use, as regulated in section 731-224.
- (2) Forests, forest propagation nurseries, arboretums.
- (3) Fish hatcheries, lakes and ponds.
- (4) Projects specifically designed for conservation of soil or water or watershed protection.
- (5) Commercial greenhouses and plant nurseries, excluding retail sales.
- (6) Truck gardens and related field crops, mushroom cellars, general gardening and apiaries.
- (7) Production of grains, grasses, plants, vines, and orchards.
- (8) Stands for the sale of agricultural products produced on the lot.
- (9) Grazing or feeding of livestock for animal increase or value increase. Provided, however, any area devoted to confinement operations for cattle, hogs or poultry shall be a minimum of five hundred (500) feet from any dwelling unit which is located on a lot of less than three (3) acres, other than the principal homestead.
- (10) Barns, sheds, storage buildings and fences essential to an agricultural enterprise. Provided, however, an agricultural enterprise must be conducted on the lot and shall encompass a minimum of one-half acre.
- (11) Temporary uses, as regulated in section 731-218.
- (12) Accessory uses, as regulated in section 731-219.
- (13) Home occupations, as regulated in section 731-220.

(b) D-A development standards.

(1) Use.

- a. No operations or activities for pecuniary gain which package products for final market distribution or which mechanically, electrically or chemically transform raw materials into new products, other than cultivation or animal husbandry, shall be permitted.
- b. The use of lakes and ponds shall not include commercial or recreational activities which are open to the general public for a fee.

(2) Minimum lot area: Three (3) acres, unless subject to section 731-201(c), D-A district exceptions.

(3) Minimum lot width and street frontage.

- a. Minimum lot width at the required setback line: Two hundred fifty (250) feet; provided, however, a minimum lot width of one hundred twenty-five (125) feet shall be maintained between the right-of-way line and the front setback line established by existing structures on the lot or structures proposed for the lot.
- b. Minimum street frontage: Each lot shall have at least one hundred twenty-five (125) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.

These provisions may be subject to the exceptions of section 731-201(c), D-A district exceptions.

(4) Minimum setback lines and yards.

- a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a), shall be provided along all public street right-of-way lines.
- b. Minimum rear yard: Seventy-five (75) feet.
- c. Minimum side yard: Aggregate seventy-five (75) feet; provided, however, no side yard shall be less than thirty (30) feet.

These provisions may be subject to the exceptions of section 731-201(c), D-A district exceptions.

(5) Minimum open space: Eighty-five (85) percent of the lot area. However, in the case of greenhouses and plant nurseries, the minimum open space shall be fifty (50) percent of the lot area.

These provisions may be subject to the exceptions of section 731-201(c), D-A district exceptions.

(6) Maximum height.

- a. Primary building (single-family dwelling): Thirty-five (35) feet; or forty (40) feet, if for each foot of height in excess of thirty-five (35) feet, to an absolute height of forty-five (45) feet, one (1) additional foot setback shall be provided beyond such adjacent required front, side or rear yard setback line for each foot of building or structural height above thirty-five (35) feet (See section 731-213, Diagram K).
- b. Accessory buildings to a single-family dwelling: Twenty (20) feet.
- c. Accessory buildings essential to an agricultural enterprise: unlimited.

These provisions may be subject to the exceptions of section 731-201(c), D-A District Exceptions.

(7) Minimum main floor area. Minimum main floor area of the primary building (single-family dwelling), exclusive of garage, carports, and open porches:

One-story building: One thousand two hundred (1,200) square feet.

Building higher than one story: Eight hundred (800) square feet, provided the total floor area shall be at least one thousand two hundred (1,200) square feet.

These provisions may be subject to the exceptions of section 731-201(c), D-A district exceptions.

(8) Off-street parking and public streets. Off-street parking areas and public streets shall be provided in accordance with section 731-221(e) and (c).

(c) D-A district exceptions.

- (1) Existing dwelling on a lot developed prior to December 20, 1989. Any single-family dwelling on any lot in the D-A district, developed prior to December 20, 1989, under the applicable A-1 or A-2 agricultural district standards of the Marion County Master Plan Permanent Zoning Ordinance, may be converted, enlarged, extended, reconstructed or relocated if such activity is carried out in accordance with the previously applicable standards for the lot. However, the previously applicable size limitations for garages and other accessory use standards found in the A-1 or A-2 districts shall not apply, but rather the standards of the D-A district of this ordinance shall apply.
- (2) Vacant lot recorded prior to December 20, 1989. For any lot or platted lot in the D-A district recorded prior to December 20, 1989, having less than the minimum lot area or minimum lot width required by the D-A district regulations of this ordinance, the following development standards may be applied to the lot, rather than those listed for the district:
 - a. Minimum lot width at the required setback line: eighty (80) feet.
 - b. Minimum street frontage: eighty (80) feet on a public street right-of-way.
 - c. Minimum rear yard: fifteen (15) feet.
 - d. Minimum side yard: aggregate--twenty-four (24) feet, provided no side yard shall be less than twelve (12) feet.
- (3) Exception to the accessory use regulations of section 731- 219 relative to agricultural enterprises. For those lots on which an agricultural enterprise is being conducted, the accessory use requirements of section 731-219(b)(1)a and c shall not apply.

(G. O. No. 100, 1989, § 2, 11-20-89; G. O. No. 4, 1992, § 1(E)--(H), 2-24-92; G.O. 97, 1995, § 1(B); G.O. 47, 1997, § 1(C))

Sec. 731-202. D-S dwelling suburban district regulations.

Statement of purpose. The D-S district is intended for use in areas of extreme topography, areas conducive to estate development, or areas where it is desirable to permit only low density development (such as adjacent to floodplains, aquifers, urban conservation areas, within the extended alignment of airport runways, etc.). Of the dwelling districts providing for only single-family dwellings, the D-S district provides the lowest density in the ordinance. The D-S district provides for single-family residential building lots consisting of at least one acre. A typical density for the D-S district is four-tenths (0.4) units per gross acre. This district represents the very low density residential classification of the comprehensive general land use plan. This district does not require public water and sewer facilities. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife (refer to the cluster subdivision option of section 731-200).

(a) Permitted D-S uses. The following uses shall be permitted in the D-S district. Only one primary use shall be permitted per lot. All uses in the D-S district shall conform to the D-S development standards (section 731-202(b)) and the dwelling district regulations of section 731-200.

(1) Primary uses.

- a. Single-family dwelling, including a manufactured home as regulated in section 731-222.
- b. Group home, as defined in section 731-102, and as regulated in section 731-200(a)(8).
- c. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

(b) D-S development standards.

(1) Minimum lot area: One acre; provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such one-acre requirement, provided the average size of all lots within said approved plat shall be at least one acre.

(2) Minimum lot width and street frontage.

- a. Minimum lot width at the required setback line: One hundred fifty (150) feet; provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum width for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 150-foot requirement.

- b. Minimum street frontage: Each lot shall have at least seventy-five (75) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.

(3) Minimum setback lines and yards.

- a. Minimum setback line and front yard:

Front yards shall be provided along all public street right-of-way lines.

The front setback exception of Section 731-200(a)(3)d.1. (*Established front setback exception/averaging*) shall not apply.

The depth of both the front yard and the building setback shall be the greater of the following:

1. forty (40) feet as measured from the existing right-of-way;
2. forty (40) feet as measured from the proposed right-of-way as determined by the Official Thoroughfare Plan; or
3. the average setback of the existing buildings along the linear frontage of the same block.

- b. Minimum rear yard: Twenty-five (25) feet.

- c. Minimum side yard: Aggregate thirty-five (35) feet; provided, however, no side yard shall be less than fifteen (15) feet.

(4) Minimum open space: Eighty-five (85) percent of the lot area.

(5) Maximum height.

- a. Primary building: Thirty-five (35) feet; or forty-five (45) feet, if for each foot of height in excess of thirty-five (35) feet, to an absolute height of forty-five (45) feet, two (2) additional feet of setback are provided beyond such adjacent required front, side or rear yard setback line for each foot of building or structural height above thirty-five (35) feet (See section 731-213, Diagram K).
- b. Accessory buildings: Twenty-four (24) feet, however in no instance shall an accessory building be higher than the primary building.

(6) Minimum main floor area. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

- a. One-story building: One thousand two hundred (1,200) square feet.
- b. Building higher than one story: Eight hundred (800) square feet, provided the total floor area shall be at least one thousand two hundred (1,200) square feet.

(7) Off-street parking and public streets. Off-street parking areas and public streets shall be provided in accordance with section 731-221(e) and (c).

(G. O. No. 100, 1989, § 2, 11-20-89; G. O. No. 4, 1992, § 1(H), 2-24-92; G.O. 97, 1995, § 1(B); G.O. 47, 1997, § 1(D); G.O. No. 23, 2010 § 5-17-2010)

Sec. 731-203. D-1 dwelling district one regulations.

Statement of purpose. The D-1 district is intended for use in suburban areas. There is no specific requirement for the placement of this district other than carrying out the single-family low density patterns expressed by the comprehensive general land use plan. The D-1 district has a typical density of nine-tenths (0.9) units per gross acre. This district represents the very low density residential classification of the comprehensive general land use plan. Under most circumstances, public water and sewer facilities should be present but are not mandatory. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife (refer to the cluster subdivision option of section 731-200).

(a) Permitted D-1 uses. The following uses shall be permitted in the D-1 district. Only one primary use shall be permitted per lot. All uses in the D-1 district shall conform to the D-1 development standards (section 731-203(b)) and the dwelling district regulations of section 731-200.

(1) Primary uses.

- a. Single-family dwelling, including a manufactured home as regulated in section 731-222.
- b. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- c. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

(b) D-1 development standards.

(1) Minimum lot area. Twenty-four thousand (24,000) square feet; provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 24,000-square foot requirement, provided the average size of all lots within said approved plat shall be at least twenty-four thousand (24,000) square feet.

(2) Minimum lot width and street frontage.

- a. Minimum lot width at the required setback line: Ninety (90) feet; provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum width for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 90-foot requirement.
- b. Minimum street frontage: Each lot shall have at least forty-five (45) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.

(3) Minimum setback lines and yards.

a. Minimum setback line and yard:

Front yards shall be provided along all public street right-of-way lines.

The front setback exception of Section 731-200(a)(3)d.1. (*Established front setback exception/averaging*) shall not apply.

The depth of both the front yard and the building setback shall be the greater of the following:

1. thirty (30) feet as measured from the existing right-of-way;
2. thirty (30) feet as measured from the proposed right-of-way as determined by the Official Thoroughfare Plan; or
3. the average setback of the existing buildings along the linear frontage of the same block.

b. Minimum rear yard: Twenty-five (25) feet.

c. Minimum side yard: Aggregate twenty-two (22) feet; provided, however, no side yard shall be less than eight (8) feet.

(4) Minimum open space: Eighty (80) percent of the lot area.

(5) Maximum height.

- a. Primary building: Thirty-five (35) feet; or forty-five (45) feet, if for each foot of height in excess of thirty-five (35) feet, to an absolute height of forty-five (45) feet, two (2) additional feet of setback are provided beyond such adjacent required front, side or rear yard setback line for each foot of building or structural height above thirty-five (35) feet (See section 731-213, Diagram K).
- b. Accessory buildings: Twenty-four (24) feet, however in no instance shall an accessory building be higher than the primary building.

(6) Minimum main floor area. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

- a. One-story building: One thousand Two hundred (1,200) square feet.
- b. Building higher than one story: Eight hundred (800) square feet, provided the total floor area shall be at least one thousand two hundred (1,200) square feet.

(7) Off-street parking and public streets. Off-street parking areas and public streets shall be provided in accordance with section 731-221(e) and (c).

(G. O. No. 100, 1989, § 2, 11-20-89; G. O. No. 4, 1992, § 1(H), 2-24-92; G.O. 97, 1995, § 1(B); G.O. 47, 1997, § 1(E)); G.O. No. 23, 2010 § 5-17-2010)

Sec. 731-204. D-2 dwelling district two regulations.

Statement of purpose. The D-2 district is intended for use in suburban areas of the county. There is no specific requirement for the placement of this district other than carrying out the single-family low density patterns expressed by the comprehensive general land use plan. The D-2 district has a typical density of one and nine-tenths (1.9) units per gross acre. Two-family dwellings are permitted on corner lots in this district. This district represents the most intense development recommended for the very low density classification of the comprehensive general land use plan. Public water and sewer facilities shall be present. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife (refer to the cluster subdivision option of section 731-200).

(a) Permitted D-2 uses. The following uses shall be permitted in the D-2 district. Only one primary use shall be permitted per lot. All uses in the D-2 district shall conform to the D-2 development standards (section 731-204(b)) and the dwelling district regulations of section 731-200.

(1) Primary uses.

- a. Single-family dwelling, including a manufactured home as regulated in section 731-222.
- b. Two-family dwelling (permitted on corner lots only), as regulated in section 731-204(b)(2)c.
- c. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- d. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

(b) D-2 development standards.

(1) Minimum lot area.

Single-family dwelling: Fifteen thousand (15,000) square feet.

Two-family dwelling: Twenty thousand (20,000) square feet.

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 15,000-square foot requirement, provided the average size of all lots within said approved plat shall be at least fifteen thousand (15,000) square feet.

Provided further, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district for lots in any plat of a subdivision recorded after January 1, 1990.

(2) Minimum lot width and street frontage.

a. Minimum lot width at the required setback line:

Single-family dwelling: Eighty (80) feet.

Two-family dwelling: One hundred twenty (120) feet (on each street).

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum width for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to ten (10) percent below such 80-and 120-foot requirements.

b. Minimum street frontage: Each lot shall have at least forty (40) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.

c. Orientation of two-family dwellings: On corner lots, the orientation (front doors, driveways) of each unit in a two-family dwelling shall be toward a different street frontage.

(3) Minimum setback lines and yards.

a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided along all public street right-of-way lines.

b. Minimum rear yard: Twenty-five (25) feet.

c. Minimum side yard: Aggregate nineteen (19) feet; provided, however, no side yard shall be less than seven (7) feet.

(4) Minimum open space: Seventy-five (75) percent of the lot area.

(5) Maximum height.

a. Primary building: Thirty-five (35) feet.

b. Accessory buildings: Twenty (20) feet.

(6) Minimum main floor area. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

One-story building: One thousand two hundred (1,200) square feet for each dwelling unit.

Building higher than one story: Eight hundred (800) square feet for each dwelling unit in the building, provided the total floor area of each unit shall be at least one thousand two hundred (1,200) square feet.

(7) Off-street and public streets. Off-street parking areas and public streets shall be provided in accordance with section 731-221(e) and (c).

(G. O. No. 100, 1989, § 2, 11-20-89; G. O. No. 4, 1992, § 1(H), 2-24-92; G.O. 97, 1995, § 1(B))

Sec. 731-205. D-3 dwelling district three regulations.

Statement of purpose. The D-3 district is intended for areas of low or medium intensity single-family residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be rather closely associated with community and neighborhood facilities (schools, parks, shopping areas, etc.). Two-family dwellings are permitted on corner lots in this district. The D-3 district has a typical density of two and six-tenths (2.6) units per gross acre. This district represents the low density residential classification of the comprehensive general land use plan. All public facilities shall be present. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife (refer to the cluster subdivision option of section 731-200).

(a) Permitted D-3 uses. The following uses shall be permitted in the D-3 district. Only one primary use shall be permitted per lot. All uses in the D-3 district shall conform to the D-3 development standards (731-205(b)) and the dwelling district regulations of section 731-200.

(1) Primary uses.

- a. Single-family dwelling, including a manufactured home as regulated in section 731-222.
- b. Two-family dwelling (permitted on corner lots only), as regulated in section 731-205(b)(2)c.
- c. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- d. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

(b) D-3 development standards.

(1) Minimum lot.

a. Minimum lot area:

Single-family dwelling: Ten thousand (10,000) square feet.

Two-family dwelling: Fifteen thousand (15,000) square feet.

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such ten thousand (10,000) square feet requirement, provided the average size of all lots within said approved plat shall be at least ten thousand (10,000) square feet.

- b. An additional five thousand (5,000) square feet of lot area shall be required for any lot utilizing a septic tank or other individual sewage disposal system; provided, however, attachment to public or semipublic water and sanitary sewer facilities shall

be mandatory for development in this district for lots in any plat of a subdivision recorded after January 1, 1990.

(2) Minimum lot width and street frontage.

- a. Minimum lot width at the required setback line:

Single-family dwelling: Seventy (70) feet.

Two-family dwelling: One hundred five (105) feet (on each street).

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum width for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to ten (10) percent below such 70-and 105-foot requirements.

- b. Minimum street frontage: Each lot shall have at least thirty-five (35) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.
- c. Orientation of two-family dwellings: On corner lots, the orientation (front doors, driveways) of each unit in a two-family dwelling shall be toward a different street frontage.

(3) Minimum setback lines and yards.

- a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided along all public street right-of-way lines.
- b. Minimum rear yard: Twenty (20) feet.
- c. Minimum side yard: Aggregate sixteen (16) feet; provided, however, no side yard shall be less than six (6) feet.

(4) Minimum open space: Seventy (70) percent of the lot area.

(5) Maximum height.

- a. Primary building: Thirty-five (35) feet.
- b. Accessory buildings: Twenty (20) feet.

(6) Minimum main floor area. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

One-story building: One thousand two hundred (1,200) square feet for each dwelling unit.

Building higher than one story: Eight hundred (800) square feet for each dwelling unit in the building, provided the total floor area of each unit shall be at least one thousand two hundred (1,200) square feet.

(7) Off-street parking and public streets. Off-street parking areas and public streets shall be provided in accordance with section 731-221(e) and (c).

(G. O. No. 100, 1989, § 2, 11-20-89; G. O. No. 4, 1992, § 1(H), 2-24-92; G.O. 97, 1995, § 1(B))

Sec. 731-206. D-4 dwelling district four regulations.

Statement of purpose. The D-4 district is intended for areas of low or medium intensity single-family residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be rather closely associated with community and neighborhood facilities (schools, parks, shopping areas, etc.). Two-family dwellings are permitted on corner lots in this district. The D-4 district has a typical density of four and two-tenths (4.2) units per gross acre. This district represents the low density residential classification of the comprehensive general land use plan. All public facilities shall be present. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife (refer to the cluster subdivision option of section 731-200).

(a) Permitted D-4 uses. The following uses shall be permitted in the D-4 district. Only one primary use shall be permitted per lot. All uses in the D-4 district shall conform to the D-4 development standards (section 731-206(b)) and the dwelling district regulations of section 731-200.

(1) Primary uses.

- a. Single-family dwelling, including a manufactured home as regulated in section 731-222.
- b. Two-family dwelling (permitted on corner lots only), as regulated in section 731-206(b)(2)c.
- c. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- d. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

(b) D-4 development standards.

(1) Minimum lot area.

a. Minimum lot area:

Single-family dwelling: Seven thousand two hundred (7,200) square feet.

Two-family dwelling: Ten thousand (10,000) square feet.

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 7,200-square foot requirement, provided the average size of all lots within said approved plat shall be at least seven thousand two hundred (7,200) square feet.

- b. An additional five thousand (5,000) square feet of lot area shall be required for any lot utilizing a septic tank or other individual sewage disposal system.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district for lots in any plat of a subdivision recorded after January 1, 1990.

(2) Minimum lot width and street frontage.

- a. Minimum lot width at the required setback line:

Single-family dwelling: Sixty (60) feet.

Two-family dwelling: Ninety (90) feet (on each street).

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of the ordinance, may reduce said minimum width for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to ten (10) percent below such 60- and 90-foot requirements.

- b. Minimum street frontage: Each lot shall have at least thirty (30) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.
- c. Orientation of two-family dwellings: On corner lots, the orientation (front doors, driveways) of each unit in a two-family dwelling on corner lots shall be toward a different street frontage.

(3) Minimum setback lines and yards.

- a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided along all public street right-of-way lines.
- b. Minimum rear yard: Twenty (20) feet.
- c. Minimum side yard: Aggregate thirteen (13) feet; provided, however, no side yard shall be less than five (5) feet.

(4) Minimum open space: Sixty-five (65) percent of the lot area.

(5) Maximum height.

- a. Primary building: Thirty-five (35) feet.
- b. Accessory buildings: Twenty (20) feet.

(6) Minimum main floor area. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

One-story building: Nine hundred (900) square feet for each dwelling unit.

Building higher than one story: Six hundred sixty (660) square feet for each dwelling unit in the building, provided the total floor area of each unit shall be at least nine hundred (900) square feet.

(7) Off-street parking and public streets. Off-street parking areas and public streets shall be provided in accordance with section 731-221(e) and (c).

(G. O. No. 100, 1989, § 2, 11-20-89; G. O. No. 4, 1992, § 1(H), 2-24-92; G.O. 97, 1995, § 1(B))

Sec. 731-207. D-5 dwelling district five regulations.

Statement of purpose. The D-5 district is intended for areas of medium intensity single-family residential development. The application of this district will be found within urban, built-up areas of the community, and where all urban public and community facilities, and services are available. The district is not intended for suburban use. Due to its strong reliance upon complete urban facilities, D-5 district location should be applied judiciously. Two-family dwellings are permitted on any lot in this district. The D-5 district has a typical density of four and five-tenths (4.5) units per gross acre. This district represents the low and medium density residential classification of the comprehensive general land use plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

(a) Permitted D-5 uses. The following uses shall be permitted in the D-5 district. Only one primary use shall be permitted per lot. All uses in the D-5 district shall conform to the D-5 development standards (section 731-207(b)) and the dwelling district regulations of section 731-200.

(1) Primary uses.

- a. Single-family dwelling, including a manufactured home as regulated in section 731-222.
- b. Two-family dwelling.
- c. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- d. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

(b) D-5 development standards.

(1) Minimum lot area:

Single-family dwelling: Five thousand (5,000) square feet.

Two-family dwelling: Nine thousand (9,000) square feet.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

(2) Minimum lot width and street frontage.

a. Minimum lot width at the required setback line:

- Single-family dwelling: Fifty (50) feet.
- Two-family dwelling: Ninety (90) feet (corner lots shall have a minimum lot width at the required setback line of ninety (90) feet on each street).

b. Minimum street frontage: Each lot shall have at least twenty-five (25) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.

(3) Minimum setback lines and yards.

- a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided along all public street right-of-way lines.
- b. Minimum rear yard: Twenty (20) feet.
- c. Minimum side yard: Aggregate ten (10) feet; provided, however, no side yard shall be less than four (4) feet.

(4) Minimum open space: Sixty-five (65) percent of the lot area.

(5) Maximum height.

- a. Primary building: Thirty-five (35) feet.
- b. Accessory buildings: Twenty (20) feet.

(6) Minimum main floor area. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

- One-story building: Nine hundred (900) square feet for each dwelling unit.
- Building higher than one story: Six hundred sixty (660) square feet for each dwelling unit in the building, provided the total floor area of each unit shall be at least nine hundred (900) square feet.

(7) Off-street and public streets. Off-street parking areas and public streets shall be provided in accordance with section 731-221(e) and (c).

(G. O. No. 100, 1989, § 2, 11-20-89; G. O. No. 4, 1992, § 1(H), 2-24-92; G.O. 97, 1995, § 1(B); G.O. 46, 1997, § 1(A))

Sec. 731-208. D-5II dwelling district five-two regulations.

Statement of purpose. The D-5II district provides the smallest single-family lot size in the zoning ordinance. It is intended for carrying out both the low density and medium density residential classification expressed in the comprehensive general land use plan. The district is designed to be used with the zero lot line option of this ordinance. The district's application may be found within built-up areas of the community where redevelopment is occurring or where infill development is necessary. The district is also intended for suburban use. The district must be applied judiciously in suburban areas, however, due to the unique characteristics of this district. Two-family dwellings are permitted on any lot in this district. The D-5II district has a typical density of five (5) units per gross acre. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.

(a) Permitted D-5II uses. The following uses shall be permitted in the D-5II district. Only one primary use shall be permitted per lot. All uses in the D-5II district shall conform to the D-5II development standards (section 731-208(b)) and the dwelling district regulations of section 731-200.

(1) Primary uses.

- a. Single-family dwelling, including a manufactured home as regulated in section 731-222.
- b. Two-family dwelling.
- c. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- d. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

(b) D-5II development standards.

(1) Minimum lot area:

- Single-family dwelling: Three thousand two hundred (3,200) square feet.
- Two-family dwelling: Seven thousand six hundred (7,600) square feet.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

(2) Minimum lot width and street frontage.

a. Minimum lot width at the required setback line:

- Single-family dwelling: Forty (40) feet.
- Two-family dwelling: Eighty (80) feet (corner lots shall have a minimum lot width at the required setback line of eighty (80) feet on each street).

- b. Minimum street frontage: Each lot shall have at least twenty-five (25) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.

(3) Minimum setback lines and yards.

- a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided along all public street right-of-way lines.
- b. Minimum rear yard: Ten (10) feet.
- c. Minimum side yard: Aggregate ten (10) feet. Provided, however, no side yard shall be less than three (3) feet.

(4) Minimum open space: Sixty-five (65) percent of the lot area.

(5) Maximum height.

- a. Primary building: Thirty-five (35) feet.
- b. Accessory buildings: Twenty (20) feet.

(6) Minimum main floor area. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

- One-story building: Nine hundred (900) square feet for each dwelling unit.
- Building higher than one story: Six hundred sixty (660) square feet for each dwelling unit in the building, provided the total floor area of each unit shall be at least nine hundred (900) square feet.

(7) Off-street parking and public streets. Off-street parking areas and public streets shall be provided in accordance with section 731-221(e) and (c).

(G. O. No. 100, 1989, § 2, 11-20-89; G. O. No. 4, 1992, § 1(H), 2-24-92; G.O. 97, 1995, § 1(B); G.O. 46, 1997, § 1(B))

Sec. 731-209. D-6 dwelling district six regulations.

Statement of purpose. The D-6 district is principally intended for medium intensity multifamily dwellings. The district is intended for developments in suburban areas well served by major thoroughfares, sanitary sewers, and school and park facilities. In its application, the district need not be directly associated with more intense land uses such as commercial or industrial areas. The D-6 district has a typical density of six (6) to nine (9) units per gross acre. This district represents the medium density residential classification of the comprehensive general land use plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

(a) Permitted D-6 uses. The following uses shall be permitted in the D-6 district. Only one primary use shall be permitted per lot. All uses in the D-6 district shall conform to the D-6 development standards (section 731-209(b)) and the dwelling district regulations of section 731-200.

(1) Primary uses.

- a. Attached multifamily dwellings.
- b. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- c. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

(b) D-6 development standards.

(1) Minimum project area. There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection (b).

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

(2) Minimum project frontage. Each project shall have at least one hundred fifty (150) feet of frontage on a public street and shall gain direct access from said street.

(3) Minimum setback lines and yards.

- a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements section 731-221(a) shall be provided wherever the project abuts a public street right-of-way line.
- b. Minimum required perimeter side and rear yards: Minimum required perimeter yards of at least thirty (30) feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.
- c. Minimum yards between buildings: In projects containing two (2) or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:

1. For buildings containing three (3) or four (4) units, the required minimum depth of such yards shall be five (5) feet for each building.
2. For buildings containing more than four (4) units, the required minimum depth of such yards for each building shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:
 - i. Wall containing any window, door, or combination thereof: The minimum depth of a building's yard shall be ten (10) feet, plus two (2) feet for each story in height plus one foot for each fifteen (15) feet in length of such wall.
 - ii. Wall not containing any window, door, or combination thereof: The minimum depth of a building's yard shall be five (5) feet, plus one foot for each story in height, plus one foot for each fifteen (15) feet in length of such wall.
3. For permitted accessory uses, the required minimum depth of such yards shall be five (5) feet for each use.
4. The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards.
5. The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.
6. Walls forming interior courts with a minimum width of ten (10) feet and serving only one building shall be exempt from the provisions of this paragraph c.
- d. Use of required perimeter yards and yards between buildings: All yards shall meet the requirements of section 731-221(f). Said perimeter yards and yards between buildings shall only be used for open space with the exception of the following:
 1. Driveways, and,
 2. Interior access drives, open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 731-102) may project or be located no more than ten (10) feet into said yard, provided however, in no case, shall the permitted facilities be located closer than ten (10) feet to another structure.
 3. Parking areas may be located in the yards between buildings, provided no parking area shall be closer than ten (10) feet to any building.

(4) Maximum height.

- a. Primary buildings: Thirty-five (35) feet but not to exceed three (3) stories containing a dwelling unit or units.
- b. Accessory buildings: Twenty-five (25) feet.

(5) Development amenities. Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios (all as defined in section 731-102):

- a. Maximum floor area: Floor area ratio (FAR) 0.200
- b. Minimum open space: Open space ratio (OSR) 3.850
- c. Minimum livability space: Livability space ratio (LSR) 2.600

d. Minimum major livability space: Major livability space ratio (MLSR) 0.180

e. Minimum parking spaces: Total car ratio (TCR) 1.600

In addition: site and development plans, landscape plans, trash enclosures, public streets, interior access drives, driveways and off-street parking areas shall be provided in accordance with section 731-221, Special regulations.

(G. O. No. 100, 1989, § 2, 11-20-89; G.O. No. 150, 1990, § 1(A), 8-27-90; G.O. 97, 1995, § 1(B))

Sec. 731-210. D-6II dwelling district six-two regulations.

Statement of purpose. The D-6II district is intended principally for low intensity multifamily use as a transition between areas of high intensity uses and low intensity uses, or in areas where the dimensions of the tract of land would cause high development costs that would preclude low intensity development. Typical areas subject to D-6II zoning include remnant parcels of land resulting from public works improvements, exhausted mining operations, and changed intensity factors (such as between interstate highway locations, commercial development and lower-density residential areas). The district must be in close proximity to major thoroughfares, sewers, school and park facilities. The D-6II district has a typical density of nine (9) to twelve (12) units per gross acre. This district represents the medium density residential classification of the comprehensive general land use plan. Development plans should incorporate and promote environmental aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife.

(a) Permitted D-6II uses. The following uses shall be permitted in the D-6II district. Only one primary use shall be permitted per lot. All uses in the D-6II district shall conform to the D-6II development standards (section 731-210(b)) and the dwelling district regulations of section 731-200.

(1) Primary uses.

- a. Attached multifamily dwellings.
- b. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- c. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

(b) D-6II development standards.

(1) Minimum project area. There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection (b).

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

(2) Minimum project frontage. Each project shall have at least one hundred fifty (150) feet of frontage on a public street and shall gain direct access from said street.

(3) Minimum setback lines and yards.

- a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided wherever the project abuts a public street right-of-way line.
- b. Minimum required perimeter side and rear yards: Minimum required perimeter yards of at least twenty-five (25) feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.

- c. Minimum yards between buildings: In projects containing two (2) or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:
 - 1. For buildings containing three (3) or four (4) units, the required minimum depth of such yards shall be five (5) feet for each building.
 - 2. For buildings containing more than four (4) units, the required minimum depth of such yards for each building shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:
 - i. Wall containing any window, door, or combination thereof: The minimum depth of a building's yard shall be ten (10) feet, plus two (2) feet for each story in height plus one foot for each fifteen (15) feet in length of such wall.
 - ii. Wall not containing any window, door, or combination thereof: The minimum depth of a building's yard shall be five (5) feet, plus one foot for each story in height, plus one foot for each fifteen (15) feet in length of such wall.
 - 3. For permitted accessory uses, the required minimum depth of such yards shall be five (5) feet for each use.
 - 4. The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards.
 - 5. The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.
 - 6. Walls forming interior courts with a minimum width of ten (10) feet and serving only one building shall be exempt from the provisions of this paragraph c.
- d. Use of required perimeter yards and yards between buildings: All yards shall meet the requirements of section 731-221(f). Said perimeter yards and yards between buildings shall only be used for open space with the exception of the following:
 - 1. Driveways, and,
 - 2. Interior access drives, open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 731-102) may project or be located no more than ten (10) feet into said yard, provided however, in no case shall the permitted facilities be located closer than ten (10) feet to another structure.
 - 3. Parking areas may be located in the yards between buildings, provided no parking area shall be closer than eight (8) feet to any building.

(4) Maximum height.

- a. Primary buildings: Thirty-five (35) feet but not to exceed three (3) stories containing a dwelling unit or units.
- b. Accessory buildings: Twenty-five (25) feet.

(5) Development amenities. Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios (all as defined in section 731-102):

- a. Maximum floor area: Floor area ratio (FAR) 0.280
- b. Minimum open space: Open space ratio (OSR) 2.650

- c. Minimum livability space: Livability space ratio (LSR) 1.650.
- d. Minimum major livability space: Major livability space ratio (MLSR) 0.160.
- e. Minimum parking spaces: Total car ratio (TCR) 1.500.

In addition: site and development plans, landscape plans, trash enclosures, public streets, interior access drives, driveways and off-street parking areas shall be provided in accordance with section 731-221, Special regulations.

(G. O. No. 100, 1989, § 2, 11-20-89; G.O. No. 150, 1990, § 1(A), 8-27-90; G.O. 97, 1995, § 1(B))

Sec. 731-211. D-7 dwelling district seven regulations.

Statement of purpose. The D-7 district is intended principally for medium density multifamily use. The district may be applied anywhere within the metropolitan area, provided, however, it should be closely associated with the primary intensity generators; i.e., commercial shopping centers or industrial uses. The district requires superior street access and all public facilities. The D-7 district has a typical density of twelve (12) to fifteen (15) units per gross acre. This district represents the medium density residential classification of the comprehensive general land use plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

(a) Permitted D-7 uses. The following uses shall be permitted in the D-7 district. Only one primary use shall be permitted per lot. All uses in the D-7 district shall conform to the D-7 development standards (section 731-211(b)) and the dwelling district regulations of section 731-200.

(1) Primary uses.

- a. Attached multifamily dwellings.
- b. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- c. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

(b) D-7 development standards.

(1) Minimum project area. There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection (b).

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

(2) Minimum project frontage. Each project shall have at least one hundred fifty (150) feet of frontage on a public street and shall gain direct access from said street.

(3) Minimum setback lines and yards.

- a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided wherever the project abuts a public street right-of-way line.
- b. Minimum required perimeter side and rear yards: Minimum required perimeter yards of at least twenty (20) feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.
- c. Minimum yards between buildings: In projects containing two (2) or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:

1. For buildings containing three (3) or four (4) units, the required minimum depth of such yards shall be five (5) feet for each building.
2. For buildings containing more than four (4) units, the required minimum depth of such yards for each building shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:
 - i. Wall containing any window, door, or combination thereof: The minimum depth of a building's yard shall be ten (10) feet, plus two (2) feet for each story in height plus one foot for each fifteen (15) feet in length of such wall.
 - ii. Wall not containing any window, door, or combination thereof: The minimum depth of a building's yard shall be five (5) feet, plus one foot for each story in height plus one foot for each fifteen (15) feet in length of such wall.
3. For permitted accessory uses, the required minimum depth of such yards shall be five (5) feet for each use.
4. The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards.
5. The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.
6. Walls forming interior courts with a minimum width of ten (10) feet and serving only one building shall be exempt from the provisions of this paragraph c.
- d. Use of required perimeter yards and yards between buildings: All yards shall meet the requirements of section 731-221(f). Said perimeter yards and yards between buildings shall only be used for open space with the exception of the following:
 1. Driveways, and,
 2. Interior access drives, open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 731-102) may project or be located no more than five (5) feet into said yard; provided however, in no case, shall the permitted facilities be located closer than ten (10) feet to another structure.
 3. Parking areas may be located in the yards between buildings, provided no parking area shall be closer than six (6) feet to any building.

(4) Maximum height.

- a. Primary buildings: Thirty-five (35) feet but not to exceed three (3) stories containing a dwelling unit or units.
- b. Accessory buildings: Twenty-five (25) feet.

(5) Development amenities. Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios (all as defined in section 731-102):

- a. Maximum floor area: Floor area ratio (FAR) 0.350.
- b. Minimum open space: Open space ratio (OSR) 2.100.
- c. Minimum livability space: Livability space ratio (LSR) 1.250.

d. Minimum major livability space: Major livability space ratio (MLSR) 0.140.

e. Minimum parking spaces: Total car ratio (TCR) 1.400.

In addition: site and development plans, landscape plans, trash enclosures, public streets, interior access drives, driveways and off-street parking areas shall be provided in accordance with section 731-221, Special regulations.

(G. O. No. 100, 1989, § 2, 11-20-89; G.O. No. 150, 1990, § 1(A), 8-27-90; G.O. 97, 1995, § 1(B))

Sec. 731-212. D-8 dwelling district eight regulations.

Statement of purpose. The D-8 district is a unique district designed for application in older developed urban areas. The district allows as permitted uses all forms of residential development except mobile dwellings. The district is designed to provide for the wide range and mixture of housing types found in older, inner-city neighborhoods, as well as along older residential/commercial thoroughfares. Another important application of this district is in areas that are experiencing renewal either by public action or by natural process. The district requires all the amenities of the D-7 district. The D-8 district has a typical density range of five (5) to twenty-six (26) units per gross acre depending upon the type of development. This district represents the high density residential classification of the comprehensive general land use plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing conditions, including vegetation, topography, drainage and wildlife.

(a) Permitted D-8 uses. The following uses shall be permitted in the D-8 district. Only one primary use shall be permitted per lot. All uses in the D-8 district shall conform to the D-8 development standards (section 731-212(b) and (c)) and the dwelling district regulations of section 731-200.

(1) Primary uses.

- a. Urban dwelling or dwellings, including one of the following: single-family, two-family, and attached multifamily dwellings, including a manufactured home as regulated in section 731-222.
- b. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- c. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

(b) D-8 development standards, single- and two-family.

(1) Minimum lot area. There shall be no required lot area other than the land area necessary to provide for the development requirements of paragraphs 2, 3, 4 and 6 of this subsection (b).

Provided, however: Attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

(2) Minimum lot width and frontage.

- a. Minimum lot width at the required setback line: Thirty (30) feet.
- b. Minimum lot street frontage: Each lot shall have at least thirty (30) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.

(3) Minimum setback lines and yards.

- a. Minimum setback lines and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided along all public street right-of-way lines.

- b. Minimum rear yard: Fifteen (15) feet.
- c. Minimum side yards: Aggregate ten (10) feet. No side yard, however, shall be less than four (4) feet.

(4) Minimum open space: Fifty-five (55) percent of the lot area.

(5) Maximum height.

- a. Primary building: Thirty-five (35) feet.
- b. Accessory buildings: Twenty (20) feet.

(6) Minimum main floor area. Minimum main floor area of the primary building exclusive of garage, carports, and open porches:

- One-story building: Nine hundred (900) square feet for each dwelling unit.
- Building higher than one story: Six hundred sixty (660) square feet for each dwelling unit in the building, provided the total floor area of each unit shall be at least nine hundred (900) square feet.

(7) Off-street parking and public streets. Off-street parking areas and public streets shall be provided in accordance with section 731-221(c) and (e).

(c) Development standards, multifamily project.

(1) Minimum project area. There shall be no required project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection C.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

(2) Minimum project width and frontage.

- a. Minimum project width at the required setback line: Thirty (30) feet.
- b. Minimum project street frontage: Each project shall have at least thirty (30) feet of frontage on a public street and shall gain direct access from said street.

(3) Minimum setback lines and yards.

- a. Minimum setback lines and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided along all public street right-of-way lines.
- b. Minimum rear yard: Fifteen (15) feet.
- c. Minimum side yards: At least twenty (20) percent of the project width measured at the front setback line shall be devoted to aggregate side perimeter yards, except not more than fifteen (15) feet for any one side perimeter yard need be so devoted. The least dimension of a side perimeter yard shall not be less than four (4) feet.
- d. Minimum yards between buildings: In projects containing two (2) or more buildings, minimum yards for each building (in addition to the other requirements of this paragraph 3) shall be provided between all buildings, in accordance with the following standards:
 - 1. For buildings containing three (3) or four (4) dwelling units, the required minimum depth of such yards for each building shall be five (5) feet for each building.

2. For buildings containing more than four (4) dwelling units, the required minimum depth of such yards for each building shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:
 - i. Wall containing any window, door, or combination thereof: The minimum depth of a building's yard shall be ten (10) feet, plus two (2) feet for each story in height plus one foot for each fifteen (15) feet in length of such wall.
 - ii. Wall not containing any window, door, or combination thereof: The minimum depth of a building's yard shall be five (5) feet, plus one foot for each story in height, plus one foot for each fifteen (15) feet in length of such wall.
3. For permitted accessory uses, the required minimum depth of such yards shall be five (5) feet for each use.
4. The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards.
5. The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.
6. Walls forming interior courts with a minimum width of ten (10) feet and serving only one building shall be exempt from the provisions of this paragraph d.
- e. Use of required perimeter yards and yards between buildings: All yards shall meet the requirements of section 731-221(f). Said perimeter yards and yards between buildings shall only be used for open space with the exception of the following:
 1. Driveways, and,
 2. Interior access drives, open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 731-102) may project or be located no more than five (5) feet into said yard, provided however, in no case shall the permitted facilities be located closer than ten (10) feet to another structure.
 3. Parking areas may be located in the yards between buildings, provided no parking area shall be closer than four (4) feet to any building.

(4) Maximum height.

- a. Primary buildings: Thirty-five (35) feet.
- b. Accessory buildings: Twenty-five (25) feet.

(5) Development amenities. Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios (all as defined in section 731-102):

- a. Maximum floor area: Floor area ratio (FAR) 0.600.
- b. Minimum open space: Open space ratio (OSR) 1.180.
- c. Minimum livability space: Livability space ratio (LSR) 0.660.
- d. Minimum major livability space: Major livability space ratio (MLSR) 0.110.
- e. Minimum parking spaces: Total car ratio (TCR) 1.000.

In addition: site and development plans, landscape plans, trash enclosures, public streets, interior access drives, driveways and off-street parking areas shall be provided in accordance with section 731-221, Special regulations.

(d) D-8 district development standards exceptions. Any lot located within a locally designated historic preservation area as established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission (IHPC):

- (1) Not fronting on a thoroughfare, as designated on The Official Thoroughfare Plan for Marion County, Indiana, shall be exempt from the provisions of sections 731-212(b)(3) and 731-212(c)(3) of this ordinance regarding required minimum front, side and rear yard setbacks. The minimum required front, side and rear yard setbacks for lots located within such historic preservation areas shall be as determined by the IHPC. The minimum required front, side and rear yards shall be as set forth in and specified by the grant of a Certificate of Appropriateness following all procedures set forth by the IHPC.
- (2) Fronting on a thoroughfare, as designated on The Official Thoroughfare Plan for Marion County, Indiana, shall be exempt from the provisions of sections 731-212(b)(3) and 731-212(c)(3) of this ordinance regarding required minimum side and rear setbacks. The minimum required side and rear yard setbacks for lots located within such historic preservation areas shall be as determined by the IHPC. The minimum required side and rear yards shall be as set forth in and specified by the grant of a Certificate of Appropriateness following all procedures set forth by the IHPC.
- (3) Shall be exempt from the provisions of section 2.12, B., 5,a, and section 2.12, B., 5,b, of this ordinance regarding maximum height of primary buildings and accessory structures. The maximum height of primary buildings and accessory structures located within such historic preservation areas shall be as determined by the IHPC. The maximum height of primary and accessory buildings shall be set forth in and specified by the grant of a certificate of appropriateness following all procedures set forth by the IHPC.

(G. O. No. 100, 1989, § 2, 11-20-89; G.O. No. 150, 1990, § 1(A), (B), 8-27-90; G. O. No. 4, 1992, § 1(H)--(J), 2-24-92; G. O. No. 21, 1992, § 1(A), 3-16-92; G.O. 97, 1995, § 1(B); G.O. 17, 2004, § 1)

Sec. 731-213. D-9 dwelling district nine regulations.

Statement of purpose. The D-9 district is designed to permit suburban high-rise apartments. It is intended for use adjacent to the major shopping centers or in areas where unusual conditions exist (i.e., adjacent to a freeway interchange or in unusual topographic situations). The D-9 district has typical ranges of density according to the number of stories:

12--22 dwelling units/gross acre for 1--3 story structure(s).

27--35 dwelling units/gross acre for 4--5 story structure(s).

50--65 dwelling units/gross acre for 6--11 story structure(s).

90--120 dwelling units/gross acre for structure(s) of 12 stories and above.

Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

(a) Permitted D-9 uses. The following uses shall be permitted in the D-9 district. Only one primary use shall be permitted per lot. All uses in the D-9 district shall conform to the D-9 development standards (section 731-213(b)) and the dwelling district regulations of section 731-200.

(1) Primary uses:

a. Attached multifamily dwellings.

b. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).

c. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

(b) D-9 development standards.

(1) Minimum project area. There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs (2), (3) and (5) of this subsection (b). Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

(2) Minimum project frontage. Each project shall have at least one hundred fifty (150) feet of frontage on a public street and shall gain direct access from said street.

(3) Minimum setback lines and yards.

a. Minimum setback line and front yard: Front yards, having a minimum depth in accordance with the setback requirements of section 731-221(a), shall be provided wherever the project abuts a public street right-of-way line.

b. Minimum required perimeter side and rear yards: Minimum required perimeter yards of at least twenty (20) feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.

- c. Minimum yards between buildings: In projects containing two (2) or more buildings, minimum yards (in addition to the requirements of a. and b., above) shall be provided between all buildings, in accordance with the following standards:
1. For buildings containing three (3) or four (4) units, the required minimum depth of such yards shall be five (5) feet for each building.
 2. For buildings containing more than four (4) units, the required minimum depth of such yards for each building shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:
 - i. Wall containing any window, door, or combination thereof: The minimum depth of a building's yard shall be ten (10) feet, plus two (2) feet for each story in height plus one foot for each fifteen (15) feet in length of such wall.
 - ii. Wall not containing any window, door, or combination thereof: The minimum depth for a building's yard shall be five (5) feet, plus one foot for each story in height plus one foot for each fifteen (15) feet in length of such wall.
 3. For permitted accessory uses, the required minimum depth of such yards shall be five (5) feet for each use.
 4. The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards.
 5. The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.
 6. Walls forming interior courts with a minimum width of ten (10) feet and serving only one building shall be exempt from the provisions of this paragraph c.
- d. Use of required perimeter yards and yards between buildings: All yards shall meet the requirements of section 731-221(f). Said perimeter yards and yards between buildings shall only be used for open space with the exception of the following:
1. Driveways, and,
 2. Interior access drives, open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 731-102) may project or be located no more than five (5) feet into said yard, provided however, in no case, shall the permitted facilities be located closer than ten (10) feet to another structure.
 3. Parking areas may be located in the yards between buildings, provided no parking area shall be closer than four (4) feet to any building.

(4) Maximum height.

- a. Primary buildings: Unlimited.
- b. Accessory buildings: Twenty-five (25) feet.

(5) Development amenities. Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios (all as defined in section 731-102):

- a. Multifamily dwellings: Less than four (4) stories.
 1. Maximum floor area: Floor area ratio (FAR) 0.500.
 2. Minimum open space: Open space ratio (OSR) 1.450.
 3. Minimum livability space: Livability space ratio (LSR) 0.840.
 4. Minimum major livability space: Major livability space ratio (MLSR) 0.120.
 5. Minimum parking spaces: Total car ratio (TCR) 1.200.
- b. Multifamily dwellings: Four (4) to five (5) stories.
 1. Maximum floor area: Floor area ratio (FAR) 0.800.
 2. Minimum open space: Open space ratio (OSR) 0.870.
 3. Minimum livability space: Livability space ratio (LSR) 0.490.
 4. Minimum major livability space: Major livability space ratio (MLSR) 0.095.
 5. Minimum parking spaces: Total car ratio (TCR) 1.000.
- c. Multifamily dwellings: Six (6) to eleven (11) stories.
 1. Maximum floor area: Floor area ratio (FAR) 1.500.
 2. Minimum open space: Open space ratio (OSR) 0.450.
 3. Minimum livability space: Livability space ratio (LSR) 0.290.
 4. Minimum major livability space: Major livability space ratio (MLSR) 0.071.
 5. Minimum parking spaces: Total car ratio (TCR) 1.000.
- d. Multifamily dwellings: Twelve (12) stories or higher.
 1. Maximum floor area: Floor area ratio (FAR) 2.700.
 2. Minimum open space: Open space ratio (OSR) 0.290.
 3. Minimum livability space: Livability space ratio (LSR) 0.200.
 4. Minimum major livability space: Major livability space ratio (MLSR) 0.054.
 5. Minimum parking spaces: Total car ratio (TCR) 1.000.

In addition: site and development plans, landscape plans, trash enclosures, public streets, interior access drives, driveways and off-street parking areas shall be provided in accordance with section 731-221, Special regulations.

(G. O. No. 100, 1989, § 2, 11-20-89; G.O. No. 150, 1990, § 1(A), 8-27-90; G.O. 97, 1995, § 1(B))

Sec. 731-214. D-10 dwelling district ten regulations.

Statement of purpose. The D-10 district, like the D-9 district, represents the high density classification of the comprehensive general land use plan. Unlike the D-9 district, however, the D-10 district is intended for central and inner-city use as opposed to suburban use. The D-10 district requires all public and community facilities, but its use will not be so directly associated with planned shopping centers. In many cases, the D-10 district will represent a renewal of the land rather than the initial use. The D-10 district has typical densities according to the number of stories:

20--26 dwelling units/gross acre for 1--3 story structure(s).

27--35 dwelling units/gross acre for 4--5 story structure(s).

50--65 dwelling units/gross acre for 6--11 story structure(s).

100--130 dwelling units/gross acre for 12--23 story structure(s).

110--140 dwelling units/gross acre for structure(s) above 24 stories.

(a) Permitted D-10 uses. The following uses shall be permitted in the D-10 district. Only one primary use shall be permitted per lot. All uses in the D-10 district shall conform to the D-10 development standards (section 731-214(b)) and the dwelling district regulations of section 731-200.

(1) Primary uses:

a. Attached multifamily dwellings.

b. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).

c. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

(b) D-10 development standards.

(1) Minimum project area. There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection (b). Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

(2) Minimum project frontage. Each project shall have at least one hundred (100) feet of frontage on a public street and shall gain direct access from said street.

(3) Minimum setback lines and yards.

a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided wherever the project abuts a public street right-of-way line.

b. Minimum required perimeter side and rear yards: Minimum required perimeter yards of at least twenty (20) feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.

- c. Minimum yards between buildings: In projects containing two (2) or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:
1. For buildings containing three (3) or four (4) units, the required minimum depth of such yards shall be five (5) feet for each building.
 2. For buildings containing more than four (4) units, the required minimum depth of such yards for each building shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:
 - i. Wall containing any window, door, or combination thereof: the minimum depth of a building's yard shall be ten (10) feet, plus two (2) feet for each story in height plus one foot for each fifteen (15) feet in length of such wall.
 - ii. Wall not containing any window, door, or combination thereof: the minimum depth for a building's yard shall be five (5) feet, plus one foot for each story in height plus one foot for each fifteen (15) feet in length of such wall.
 3. For permitted accessory uses, the required minimum depth of such yards shall be five (5) feet for each use.
 4. The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards.
 5. The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.
 6. Walls forming interior courts with a minimum width of ten (10) feet and serving only one building shall be exempt from the provisions of this paragraph c.
- d. Use of required perimeter yards and yards between buildings: All yards shall meet the requirements of section 731-221(f). Said perimeter yards and yards between buildings shall only be used for open space with the exception of the following:
1. Driveways, and,
 2. Interior access drives, open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 731-102) may project or be located no more than five (5) feet into said yard, provided however, in no case, shall the permitted facilities be located closer than ten (10) feet to another structure.
 3. Parking areas may be located in the yards between buildings, provided no parking area shall be closer than four (4) feet to any building.

(4) Maximum height.

- a. Primary buildings: Unlimited.
- b. Accessory buildings: Twenty-five (25) feet.

(5) Development amenities. Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios (all as defined in section 731-102):

- a. Multifamily dwellings: less than four (4) stories.
 1. Maximum floor area: floor area ratio (FAR) 0.600.
 2. Minimum open space: Open space ratio (OSR) 1.180.
 3. Minimum livability space: Livability space ratio (LSR) 0.660.
 4. Minimum major livability space: Major livability space ratio (MLSR) 0.110.
 5. Minimum parking spaces: Total car ratio (TCR) 1.000.
- b. Multifamily dwellings: Four (4) to 5 stories.
 1. Maximum floor area: Floor area ratio (FAR) 0.800.
 2. Minimum open space: Open space ratio (OSR) 0.870.
 3. Minimum livability space: Livability space ratio (LSR) 0.490.
 4. Minimum major livability space: Major livability space ratio (MLSR) 0.095.
 5. Minimum parking spaces: Total car ratio (TCR) 0.940.
- c. Multifamily dwellings: Six (6) to eleven (11) stories.
 1. Maximum floor area: Floor area ratio (FAR) 1.500.
 2. Minimum open space: Open space ratio (OSR) 0.450.
 3. Minimum livability space: Livability space ratio (LSR) 0.290.
 4. Minimum major livability space: Major livability space ratio (MLSR) 0.071.
 5. Minimum parking spaces: Total car ratio (TCR) 0.750.
- d. Multifamily dwellings: Twelve (12) to twenty-three (23) stories.
 1. Maximum floor area: Floor area ratio (FAR) 3.000.
 2. Minimum open space: Open space ratio (OSR) 0.280.
 3. Minimum livability space: Livability space ratio (LSR) 0.190.
 4. Minimum major livability space: Major livability space ratio (MLSR) 0.052.
 5. Minimum parking spaces: Total car ratio (TCR) 0.750.
- e. Multifamily dwellings: Twenty-four (24) stories or higher.
 1. Maximum floor area: Floor area ratio (FAR) 3.200.
 2. Minimum open space: Open space ratio (OSR) 0.270.
 3. Minimum livability space: Livability space ratio (LSR) 0.190.
 4. Minimum major livability space: Major livability space ratio (MLSR) 0.050.
 5. Minimum parking spaces: Total car ratio (TCR) 0.750.

In addition: site and development plans, landscape plans, trash enclosures, public streets, interior access drives, driveways and off-street parking areas shall be provided in accordance with section 731-221, Special regulations.

(G. O. No. 100, 1989, § 2, 11-20-89; G.O. No. 150, 1990, § 1(A), 8-27-90; G.O. 97, 1995, § 1(B))

Sec. 731-215. D-11 dwelling district eleven regulations.

Statement of purpose. The D-11 district allows for mobile dwelling project development. The special characteristics of mobile dwellings, as opposed to the characteristics of conventional housing (such as compactness of the mobile dwelling unit, site accommodation requirements, etc.), have been recognized as requiring special district considerations. The D-11 district is designed to permit mobile and manufactured dwellings in accordance with appropriate standards. This district represents a medium density classification according to the Comprehensive General Land Use Plan and should be applied accordingly. The typical density for a D-11 district is six (6) units/gross acre. With the development standards included in this district, mobile dwelling projects are viable residential developments, and should be located with the same considerations as site-built residential neighborhoods. All public and community facilities are required. Proximity to major thoroughfares are necessary for the location of this district.

(a) Permitted D-11 uses. The following uses shall be permitted in the D-11 district. All uses in the D-11 district shall conform to the D-11 development standards (section 731-215(b)) and the dwelling district regulations of section 731-200.

- (1) Mobile dwelling projects, including mobile dwellings and manufactured homes, subject to all development standards of section 731-215(b). Each permitted mobile dwelling within a mobile dwelling project shall be limited to single-family use and occupancy.
- (2) Group homes, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- (3) Religious use, as regulated in section 731-224.
- (4) Temporary uses, as regulated in section 731-218.
- (5) Accessory uses, as enumerated below:
 - a. Manager's office and apartment: Project maintenance equipment storage facility.
 - b. Common recreation and service buildings, structures and areas, including laundry facilities.
 - c. Open storage area.
 - d. Accessory parking areas.
 - e. Carports, canopies, covered patios, storage rooms, mini-barns, porches, awnings, swings and other play structures or equipment, provided the height thereof shall not exceed ten (10) feet measured from the finished mobile dwelling site grade, and that floors of carports, patios, storage rooms and porches shall be of concrete or other permanent pavement.
 - f. Wholesale and retail sales of mobile dwellings conducted as a business by dealers of mobile dwelling project owners/operators shall be prohibited in the D-11 district. Except, however, a mobile dwelling project owner/operator may display not more than six (6) "model" mobile dwellings on mobile dwelling sites in the interior of the project, provided such model units shall not be displayed for sale or removal outside the project; and further provided that no signs relative to the "model" units shall be installed so as to be visible to the public outside the project.
 - g. An incidental model home sign, as regulated in Chapter 734 of this Code, shall be permitted for each "model" mobile dwelling. Provided further, however, nothing contained herein shall restrict the right of any individual owner of any mobile dwelling unit to sell or lease such unit.
 - h. Child care home.

(b) D-11 development standards.

- (1) Project area.** A minimum contiguous project area of fifteen (15) acres with the first phase not less than five (5) acres shall be required. Each contiguous project area shall not exceed one hundred (100) acres. Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district after January 1, 1990.
- (2) Maximum project density.** Six (6) units per gross project acre.
- (3) Combination of lots or portions thereof.** Whenever only a portion of a recorded lot is proposed as a mobile dwelling project or whenever two (2) or more recorded lots or portions thereof are proposed to be combined to form a mobile dwelling project, the proposed mobile dwelling project as shown on the site plan submitted shall be considered to be a newly created single lot, for the purposes of section 731-215(b)(1) of this ordinance, and such newly created lot shall not be reduced in size or divided or split if such reduction, division, or split will result in a lot that would fail to meet any of the requirements of this section.
- (4) Minimum project frontage.** Each project shall have at least one hundred fifty (150) feet of continuous frontage on a public street and shall gain direct access from said street. Each project containing over thirty (30) dwelling units shall provide at least two (2) accesses from a perimeter public street.
- (5) Perimeter yard.**
 - a. A perimeter yard is required for each mobile dwelling project. All parking, buildings, structures, and mobile dwelling sites shall be located so as to provide a setback of at least fifty (50) feet from all perimeter lot lines. This fifty-foot perimeter yard shall be landscaped and shall not be used for anything other than passive open space or a required roadway entrance into the mobile home park. Perimeter yards must be landscaped, screened and maintained according to section 731-221(f), provided, however;
 - b. Where the project abuts public perimeter streets, minimum perimeter front yards shall be sixty (60) feet, measured from the street right-of-way line of a local or collector street, or from the proposed right-of-way line of any primary or secondary arterial as indicated by The Official Thoroughfare Plan for Marion County, as amended.
- (6) Mobile dwelling sites.**
 - a. Mobile dwelling sites within the project shall be provided for each mobile dwelling in accordance with the following standards:
 1. Each mobile dwelling project shall be divided into mobile dwelling sites.
 2. Each mobile dwelling site shall contain an area of no less than four thousand (4,000) square feet, provided, however;
 3. Each mobile dwelling site, which requires a double or triple wide unit, shall contain an area of no less than five thousand four hundred (5,400) square feet.
- (7) Minimum interior yards.** Minimum interior yards within the project shall be provided for all mobile dwelling sites in accordance with the following standards:
 - a. A minimum required front building setback of ten (10) feet shall be provided, measured from the curb line of any interior street or interior access drive within the

project. Parking spaces shall not be permitted within this required setback; however, driveways accessing parking areas on the site and other appurtenances are permitted.

- b. A minimum distance of fifty (50) feet shall be provided between any recreational or other project common building and any dwelling unit within the project.
- c. A minimum distance of twenty-five (25) feet shall be provided between dwelling units at their closest points to each other. Except, however, that any dwelling unit accessory structure, open on at least two (2) sides, may project into such required interior yard provided that the distance between such accessory structure and any other dwelling unit, or between such accessory structures of two (2) dwelling units, shall be at least fifteen (15) feet.

(8) Minimum recreational and open space areas. Developed recreational and common open space areas equal to, at a minimum, eight (8) percent of the total area of the mobile dwelling project shall be required. Land used for the required perimeter yard, mobile dwelling sites, vehicular areas, access easements, and rights-of-way shall not be considered as part of this required eight (8) percent open space. Common open storage areas developed as required in section 731-215(b)(10) shall not be included in the open space computation.

- a. These recreational and common open space areas shall be accessible to all project residents, appropriately located within the project with respect to the residents they are designed to serve and with regard to adjacent land uses. Accessibility to such areas shall not solely be gained by way of a mobile dwelling site or sites.
- b. Developed recreational areas may include, but shall not be limited to, such facilities as playgrounds, tot lots, swimming pools, game courts and common recreational buildings. An imaginative approach to the provision and design of such areas is encouraged. Project recreational needs will depend upon such factors as project site, size and the anticipated age characteristics of the residents. These areas shall provide for the use of all project residents and be appropriately located within the project with respect to the residents they are designed to serve and with regard to adjacent land uses.
- c. Common open space areas are those areas within the project set aside for the common use of all project residents. The general design of these areas should demonstrate an awareness of their intended use for passive enjoyment. Utilization of common open space areas may be enhanced by improvements such as walkways, meandering trails, benches, flowers, shrubs and tree plantings, while still maintaining their natural open character.
- d. Items such as drainage swales may be included as open space if, through proper design, they add favorably to the open space inventory and site development of the project and do not present a health or safety hazard to project residents.
- e. Off-street pedestrian ways and/or bike paths shall be constructed where necessary to provide safe access to recreational and other service areas. Such off-street pathways shall have a minimum width of three (3) feet and shall have at least a three-foot wide area of open space along the sides of the pathway. All such off-street pathways shall be hard-surfaced.

(9) Minimum parking area.

- a. A minimum of two (2) hard-surfaced off-street parking spaces shall be required for each dwelling unit and shall be located on each mobile dwelling site.

- b. One (1) parking space for each two hundred eighty-five (285) square feet or fraction thereof of gross floor area shall be required for the manager's office (not including storage space), and any common recreation structures located within the mobile dwelling project.
- c. Off-street parking areas shall not be permitted in any required interior front yard setback.
- d. Off-street parking facilities shall be provided and maintained in accordance with section 731-221(e)(2)b.

(10) Storage areas.

- a. Open storage area: An open storage area shall be provided within the project boundaries for the purpose of storing travel trailers, campers, boats and other recreational vehicles owned by project residents. The open storage area required for the project shall be computed on the basis of one hundred twenty (120) square feet of space per mobile dwelling site. Such open storage areas shall be screened so as not to be directly visible from any perimeter boundary of the project and shall further be accessible to all project residents.

Travel trailers, campers, boats and other recreational vehicles shall be permitted to be stored only in such storage areas, whether temporarily or permanently.

- b. General storage space: In order to provide adequate storage facilities on or conveniently near each mobile dwelling site for the storage of outdoor equipment, furniture, tools, and other materials used only seasonally or infrequently, or incapable of convenient storage within the mobile dwellings, a minimum of one hundred fifty (150) cubic feet of general storage space within a structure per dwelling unit shall be provided on the mobile dwelling site, or in compounds located not more than one hundred (100) feet from each dwelling unit. Each such storage space shall be constructed and located in conformity with the approved site plan required by section 731-215(b)(16). Provided, however, all or a portion of such storage space for any fully skirted mobile dwelling unit may be provided under such unit, in lieu of separate storage facilities.

(11) Patios and paved stands. All mobile dwelling sites shall be improved as follows:

- a. Each mobile dwelling site shall contain a patio or deck with an area of no less than two hundred (200) square feet. Such patio or deck shall be constructed of concrete, brick, tile, treated wood or similar material, so as to result in a dustfree and well-drained surface.
- b. Concrete runners, concrete pillars or a paved stand shall be provided to accommodate each mobile dwelling.
- c. An anchoring system (tiedowns) shall be provided, installed and attached to the dwelling upon its placement on the mobile dwelling site to withstand the specified horizontal, uplift, overturning wind forces on a mobile dwelling based upon accepted engineering design standards as required by Regulation HSE 21 of the Indiana State Board of Health.

(12) Skirting. No later than thirty (30) days after a mobile dwelling has been placed upon a mobile dwelling site, the area between the bottom of the sides and ends of the mobile dwelling and the surface upon which it is located shall be enclosed by walls made of a visibly opaque skirting material. Mobile dwellings shall have skirting or other design attachments installed by the mobile dwelling owner that shall harmonize with the architectural style of the mobile dwelling. Access doors shall be permitted under the mobile dwelling.

(13) Utilities.

- a. All utility lines, including but not limited to electric, telephone, water, gas, and cable television lines, shall comply with Underground Utility Line Regulations Ordinance 72-AO-5, as may be amended.
- b. Individual radio and television antennas, not exceeding four (4) feet in height, shall be permitted; or a central system utilizing underground wiring to individual dwelling units and accessory buildings may be installed.

(14) Maximum height.

- a. All mobile dwellings, accessory structures and buildings: twenty-five (25) feet.
- b. All management offices, common recreation and service buildings: Thirty-five (35) feet, with the exception of skylights, appurtenances, chimneys or similar structures.

(15) Streets and sidewalks.

- a. Public streets, interior access drives, driveways, and off-street parking areas shall be provided in accordance with section 731-221, Special regulations.
- b. Private interior streets, interior access drives and driveways shall be constructed with curbs and gutters and shall otherwise be provided in accordance with section 731-221, Special regulations.

Provided, however, that private interior streets, private interior access drives and private interior access driveways that have two-way traffic with no parking shall have a minimum pavement width of twenty-four (24) feet, exclusive of curbs or gutters.

- c. Sidewalks shall be installed within each mobile dwelling project in accordance with the following:
 1. Sidewalks are required to be installed on one (1) side of a street with an improved width of twenty (20) feet or less and on both sides of a roadway with an improved width of greater than twenty (20) feet.
 2. All sidewalks shall be hard-surfaced and shall have a thickness of no less than four (4) inches.
 3. Common sidewalks, with a minimum width of three (3) feet, intended to provide pedestrian circulation from one (1) mobile dwelling to another or to various locations throughout the mobile dwelling project shall serve all mobile dwellings and common use areas that front upon or have access from a street improved with curbs and gutters. Such sidewalks shall be located parallel to a street.
 4. A hard-surfaced walkway having a minimum width of three (3) feet connecting the mobile dwelling with its off-street parking area shall be provided.
 5. In addition to those sidewalks required by this section 731-215(b)(15), sidewalks may be placed so that they bisect a block of mobile dwelling sites in order to provide an interior type of common sidewalk circulation system. Such sidewalks shall not be located on any mobile dwelling site. Such sidewalks shall have a minimum width of three (3) feet and shall have at least a three-foot wide area of open space along the sides of the sidewalk. This sidewalk and open space area may be figured into the required minimum recreational and open space area.

6. A sidewalk with a minimum width of three (3) feet may be provided for access from each mobile dwelling to a street or to a common walkway system.
7. No portion of any parking space shall encroach upon any portion of a sidewalk.
- d. Sidewalks shall be provided along all eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. Sidewalks constructed pursuant to this section shall comply with Sections 731-221(c)(4)a, b, d, and e. (G.O. 4, 2008, § 4-14-08)

(16) Project and site plan requirements. In order that a petition for a D-11 district can be evaluated, the petitioner shall file with the petition a project orientation map, topographic map and site plan (as specified in paragraphs a., b., and c. that follow).

In addition to other permit requirements, a landscape plan (as specified in section 731-221, Special regulations) shall be filed with the bureau of license and permit services of the department of code enforcement and approved by the Administrator thereof prior to the issuance of an Improvement Location Permit.

- a. The orientation map shall include a legal description and delineate the boundaries of the project site; and shall show the location of all the features listed below existing within one (1) mile of the project site.
 - Public schools
 - Thoroughfares
 - Railroads
 - Fire protection services
 - Public transportation
 - Major shopping areas
 - Public recreational facilities
 - Other important features that may affect the planned project
- b. The topographic map shall be drawn to scale, current dated, prepared and signed by a registered land surveyor or civil engineer and shall clearly show the following:
 - Contours having an interval of two (2) feet,
 - All existing buildings and other structures or improvements such as walls, fence lines, culverts, bridges, roadways, etc., with spot elevations indicated,
 - Location and spot elevations of rock outcrops, high points, watercourses, depressions, ponds and marsh areas, with any previous flood elevations as may be determined by survey,
 - Boundaries of any floodway or floodplain zones or areas subject to periodic inundation,
 - Size, variety, caliper and accurate location of all existing trees over two and one-half (2 1/2) inch caliper; except within natural vegetation areas (woods, thickets or meadows) that will not be developed, but will be left and maintained as natural areas,

- Boundary lines of property and corner monuments,
- Soil types; careful attention must be given in the location and construction of mobile dwelling projects to the ability of the soil to support the development,
- Location of any test pits or borings if required to determine subsoil conditions,
- All easements, rights-of-way and other restrictions.

c. The site plan, drawn to scale, shall indicate:

- Existing and proposed streets, access drives, driveways, interior access drives, sidewalks and pedestrian ways,
- All paving and hard-surfacing materials,
- Ingress to and egress from the project site to/from perimeter public streets,
- Minimum required yards,
- Location of all parking, recreational and storage areas,
- Individual mobile dwelling sites,
- Location of mobile dwelling paved stands,
- Mobile dwelling project facilities such as office, laundry, storage and recreation structures,
- Location, height and type of screens, walls and fences,
- All adjacent properties':
 1. Lot lines;
 2. Existing land use and zoning classification; and,
 3. Approximate location of all existing structures within one hundred (100) feet of the project's property lines;
- A legend that shall include, but not limited to, a listing of the overall acreage; the scale of the plan; gross and net density of lots, spaces or units; percentage and area of open spaces by types, number of spaces, building area of project buildings or structures; parking spaces required and provided, and estimated total population profile.

(17) Existing nonconforming projects.

a. Conformity with certain standards required. All nonconforming mobile dwelling projects on the effective date of this ordinance:

1. Shall conform to the development standards and requirements of section 731-221(f)(5) (Special regulations--Grounds maintenance), section 731-215(b)(11)c. (patios and paved stands), and section 731-215(b)(12) (skirting) of this ordinance on or before January 1, 1993, or the use thereof shall be terminated after such date; and,
2. Shall conform to the development standards and requirements of section 731-221(f) subsections 1. through 4. (Special regulations--Screening, landscaping, lighting) of this ordinance on or before January 1, 1993, or the use thereof shall be terminated after such date.

- b. Plan approval. A plan for each such nonconforming project shall be filed with the Division of Planning of the Department of Metropolitan Development and approved by the Administrator thereof in accordance with the following schedule. Within ninety (90) days after the effective date of this ordinance, a plan shall be filed setting forth a legal perimeter description. The number of mobile dwelling sites, location of streets, light poles, and the existing nature of perimeter landscaping or visual screening shall be indicated. Within three (3) years after the effective date of this ordinance, a plan for compliance or a statement of existing compliance shall be filed setting forth the proposed or existing manner of compliance with section 731-215(b)(17)a. of this ordinance. The project's required development in conformity with provisions of this ordinance specified in paragraph a. above shall be in accordance with such approved plan.

As a part of such plan approval, the Administrator of the Division of Planning shall have power to modify any screening or landscape requirements deemed by the Administrator to be unnecessary, infeasible or unreasonably burdensome.

- c. Appeals. In all subsections of this section where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to bring such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval through the filing of an Approval Petition. The right to have such action of the Administrator reviewed by the Metropolitan Development Commission shall be in addition to any other right an aggrieved party may have under law to have such action reviewed, including but not limited to the right to appeal such action to the Metropolitan Board of Zoning Appeals of Marion County, Indiana.

(G. O. No. 100, 1989, § 2, 11-20-89; G.O. 24, 1995, § 1(A); G.O. 97, 1995, § 1(B); G.O. 2, 2002, § 7; G.O. 96, 2009)

Sec. 731-216. D-12 dwelling district twelve regulations.

Statement of purpose. The D-12 district represents a relatively low density level of residential development utilizing two-family dwellings. The district permits a subdivision consisting entirely of such dwellings, but at a density comparable to single-family development. Proximity to major thoroughfares, public utilities, school and park facilities is necessary. The D-12 district has a typical density of five (5) units per gross acre. The district represents the low density residential classification according to the comprehensive general land use plan. All public and community facilities are required. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.

(a) Permitted D-12 uses. The following uses shall be permitted in the D-12 district. Only one primary use shall be permitted per lot. All uses in the D-12 district shall conform to the D-12 development standards (section 731-216(b)) and the dwelling district regulations of section 731-200.

- (1) Primary uses.
 - a. Two-family dwelling.
 - b. Group home, as defined in section 731-102.
 - c. Religious use, as regulated in section 731-224.
- (2) Temporary uses, as regulated in section 731-218.
- (3) Accessory uses, as regulated in section 731-219.
- (4) Home occupations, as regulated in section 731-220.

(b) D-12 development standards.

(1) Minimum lot area: Nine thousand (9,000) square feet.

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such nine thousand (9,000) square foot requirements, provided the average size of all lots within said approved plat shall be at least nine thousand (9,000) square feet.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district for lots in any plat of a subdivision recorded after January 1, 1990.

(2) Minimum lot width and street frontage.

- a. Minimum lot width at the setback line: Seventy (70) feet.
- b. Minimum street frontage: Each lot shall have at least thirty-five (35) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.

(3) Minimum setback lines and yards.

- a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided along all public street right-of-way lines.
- b. Minimum rear yard: Twenty (20) feet.
- c. Minimum side yard: Aggregate, ten (10) feet; provided, however, no side yard shall be less than four (4) feet.

(4) Minimum open space: Sixty-five (65) percent of the lot area.

(5) Maximum height.

- a. Primary building: Thirty-five (35) feet.
- b. Accessory buildings: Twenty (20) feet.

(6) Minimum main floor area. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

- One-story building: Nine hundred (900) square feet for each dwelling unit.
- Building higher than one story: Six hundred sixty (660) square feet for each dwelling unit in the building, provided the total floor area of each unit shall be at least nine hundred (900) square feet.

(7) Off-street parking and public streets. Off-street parking areas and public streets shall be provided in accordance with section 731-221(e) and (c).

(G. O. No. 100, 1989, § 2, 11-20-89; G. O. No. 4, 1992, § 1(H), 2-24-92)

Sec. 731-217. D-P planned unit development district regulations.

Statement of purpose. The planned unit development district (D-P) is established for the following purposes:

- a. To encourage a more creative approach in land and building site planning.
- b. To encourage and efficient, aesthetic and desirable use of open space.
- c. To encourage variety in physical development pattern.
- d. To achieve flexibility and incentives for residential development which will produce a wider range of choice in satisfying the changing needs of the county.
- e. To encourage renewal of older areas in the metropolitan region where new development and restoration are needed to revitalize the area.
- f. To permit special consideration of property with outstanding features, including but not limited to historical significance, unusual topography, landscape amenities, and size and shape.
- g. To provide for a comprehensive review and processing of development proposals for developers and the Metropolitan Development Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

Densities and development of a D-P are regulated and reviewed by the Metropolitan Development Commission. Creative site planning, variety in physical development, and imaginative uses of open space are objectives to be achieved in a D-P district. The D-P district is envisioned as a predominantly residential district, but it may include supportive commercial and/or industrial development.

(a) Permitted D-P uses. The following uses shall be permitted in the D-P district. Only one primary use shall be permitted per lot. All uses in the D-P district shall conform to the dwelling district regulations of section 731-200.

- (1) Primary use: planned unit residential development, pursuant to the D-P terms and conditions (section 731-217(b)).
- (2) Group home, as defined in section 731-102.
- (3) Temporary uses, as regulated in section 731-218.
- (4) Accessory uses, as regulated in section 731-219.
- (5) Home occupations, as regulated in section 731-220.
- (6) Nonresidential uses, designed to provide an integrated amenity to the planned unit residential development and to serve primarily as a convenience to the immediate neighborhood where office functions, compatible office-type businesses, certain public and semipublic uses and a limited range of retail sales and personal, professional and business services provided are tempered by the merits of the residential elements of the development, and which are an integral part of a residential development logically oriented to and coordinated with the total planned unit residential development, as regulated in section 731-217(b).
- (7) Religious uses, as regulated in section 731-224.

(b) D-P terms and conditions.

(1) Filing procedure.

- a. The authorization of a planned unit development shall be subject to the procedures expressed herein.
- b. A petition for a planned unit development may be initiated by the owners of property of fifty (50) percent or more of the area involved in the petition, or may be initiated by the Metropolitan Development Commission.
- c. The petition which shall include a preliminary plan for any area proposed for development as a planned unit development shall be filed with the Division of Development Services of the Department of Metropolitan Development. The preliminary plan shall include:
 1. Proposed layout of streets, open space, and other basic elements of the plan.
 2. Identification of location and types of uses within the area, including proposed densities of said uses.
 3. Proposals for handling traffic, parking, sewage disposal, drainage, tree preservation and removal and other pertinent development features.
 4. The plan shall show the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the land adjacent thereto. Any land within the area to be zoned that is now owned by the petitioners shall be so identified.
 5. A general statement of any covenants or commitments to be made a part of the planned unit development as well as the order and estimated time of development.
 6. A statement of the order of development of the major elements of the project, including whether the development will be in phases, and, if so, the order and content of each phase.
 7. Proposed perimeter treatment including details of building locations, parking, and landscaping. The proposed perimeter treatment shall include all areas within the project within one hundred (100) feet of the boundary of the project unless a larger area is requested by the Administrator.
- d. The preliminary plan shall be presented in triplicate and to a scale not to exceed one inch equals one hundred (100) feet. The preliminary plan may be a freehand drawing and may include any graphics which will explain the features of the development.
- e. Within twenty-five (25) days after filing, the Administrator, or designated representative, shall consult with the petitioner regarding the petition. After such consultation, the petitioner may make modifications to the petition.
- f. After consultation with the Administrator and after making any modifications to the proposed preliminary plans, the petitioner shall file in triplicate a "final proposed preliminary plan" which shall:
 1. Include all documents included in the preliminary plan.
 2. Include an index identifying all documents included in the preliminary plan.

3. Include a cover sheet indicating that it is the final proposed preliminary plan and indicating the date and case number.
4. Be bound or stapled together and all documents therein reduced to a size no larger than eight and one-half (8 1/2) by fourteen (14) inches.

(2) [Reserved.]

(3) Preliminary plan hearing.

- a. The petition, if and so modified, shall then be heard by the Metropolitan Development Commission as a petition for zoning ordinance amendment and subject to the procedures applicable thereto. The Commission may approve, amend, or disapprove the plan and may impose any reasonable condition upon its approval. If approved, the preliminary plan shall be stamped "Approved Preliminary Planned Unit Development" and be signed by the President or Vice-President of the Commission and one copy shall be permanently retained in the offices of the Division of Development Services.
- b. The approved preliminary planned unit development shall then be certified to the City-County Council for adoption as a D-P district pursuant to the laws governing adoption of zoning ordinances. Upon adoption by the City-County Council, the planned development shall be returned to the Department of Metropolitan Development, Division of Development Services, which shall thereafter exercise continuing jurisdiction. In the exercise of continuing jurisdiction, the Commission may from time to time approve modifications of the approved preliminary planned unit development in a manner consistent with the approved development concept.

(4) Detailed plan approval.

- a. Before any development takes place, the Administrator shall approve a detailed plan specifying the location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreational facilities, site perimeter treatment and other pertinent site development features including general locations and architectural features of proposed buildings. Such approval shall be conditioned upon a finding by the Administrator that the detailed plan is consistent with the approved preliminary planned unit development.
- b. The approved detailed plan shall be stamped "Approved Detailed Planned Unit Development" and be signed by the Administrator and one copy shall be permanently retained in the offices of the Division of Development Services.
- c. Approval of the first phase of the detailed plan shall be obtained within two (2) years and approval of the balance of the detailed plan shall be obtained within five (5) years after adoption of the D-P district by the City-County Council.
- d. If all or a part of the planned unit development requires platting, only a preliminary plat shall be required within the said two-year period and final platting may be undertaken in sections or phases at a later time. In cases of platting, plat approval shall be conditioned, in part, upon a finding that the plat is consistent with the approved preliminary planned unit development.
- e. In the exercise of continuing jurisdiction, the Administrator may from time to time approve modifications of the approved detailed planned unit development in a manner consistent with the approved preliminary planned unit development.
- f. A refusal by the Administrator to approve a detailed plan shall not be construed as a denial, and any such refusal shall not operate as a limitation on the right of the petitioner to seek approval at a later date nor shall it impair the right of the petitioner

to obtain an extension of time for approval. Petitioner may, however, appeal to the Commission from the Administrator's refusal to approve a detailed plan.

- g. In the event that the approval of a detailed plan is not timely obtained, the Commission may initiate an amendment of the zoning ordinance relating to said land.
 - h. The approved preliminary plan may provide for development of the property involved in phases. If such phasing is permitted, the petitioner may submit partial detailed plans which correspond to the phases involved. Such partial detailed plans, when approved, shall be treated in the same manner as approved detailed plans for an entire planned unit development.
 - i. Approval shall expire after a period of five (5) years from the approval of a detailed plan unless the development is fifty (50) percent completed in terms of public improvements, including streets, parks, walkways, utility installations and sanitary sewers.
- (5) Platting and vacation. Where a platting, replatting or vacation of streets within all or a portion of the land involved is contemplated, the Plat Committee of the Metropolitan Development Commission shall handle such matters in accordance with its regular procedures, but it is not required to adhere to the qualitative and quantitative requirements of the Subdivision Control Ordinance of Marion County, Indiana (Ordinance 58-AO-13, as amended), where such requirements are not in keeping with an approved planned unit development and are not necessary to safeguard the public health, safety, morals, or welfare.
- (6) Covenants and maintenance.
- a. Covenants, when required by the Commission, shall be set forth in detail and shall provide for an automatic termination date, or, in the alternative, a provision for the release of such restriction by execution of a document so stating and suitable for recording, signed by the Administrator upon authorization by the Commission and all of the owners of property in the area involved in the petition for whose benefit the covenant was created. Such covenants shall provide that their benefits run to the Commission as well as other parties designated by the Commission, and shall be specifically enforceable by the Commission.
 - b. The Commission may require the recording of covenants for any reasonable public or semipublic purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semipublic purposes. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioners shall then submit for approval by the Commission a modified detailed plan for such land, otherwise consistent with the approved preliminary planned unit development.
 - c. The Commission may require the recording of covenants for any other reasonable purpose, including but not limited to imposing standards for development of property in a planned unit development. Such development standards may include, but are not limited to, requirements as to the following:
 - 1. Lot area.
 - 2. Floor area.
 - 3. Ratios of floor space to land area.

4. Area in which structures may be built ("buildable area").
 5. Open space.
 6. Setback lines and minimum yards.
 7. Building separations.
 8. Height of structures.
 9. Signs.
 10. Off-street parking and loading space.
 11. Design standards.
 12. Phasing of development.
 13. Bikeways and walkways.
 14. Landscaping.
- d. The petitioner may be required to provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of the Subdivision Control Ordinance of Marion County, Indiana (Ordinance 58-AO-13, as amended).
 - e. Adequate provision shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities, including private streets jointly shared by such property owners if such facilities are a part of the planned unit development, and, in such instance, legal assurances shall be provided which show that the private organization is self-perpetuating and adequately funded to accomplish its purposes.
 - f. Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiaries thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.
 - g. All private streets shall be maintained by the aforesaid private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area.
- (7) Recording. All approved detailed planned unit developments and modifications thereof shall be recorded in the Office of the Marion County Recorder within two (2) years after approval.
 - (8) Permit. No Improvement Location Permit shall be issued for a D-P district unless all recording required by section 731-217(b)(5) has been effected. No Improvement Location Permit shall be issued for a D-P district which fails to adhere to the approved detailed planned unit development.
 - (9) Construction.
 - a. No construction or installation work shall be done on any public improvements until satisfactory plans and specifications therefor (as required by Section 2.06 of the Subdivision Control Ordinance of Marion County, Indiana, Ordinance 58-AO-13, as amended) have been submitted to the Administrator and the petitioner has, at least

twenty-four (24) hours in advance, notified the Administrator of his intention to begin such work, in order that inspections may be made as the work progresses.

- b. All development shall be in conformity with the approved detailed planned unit development and any material deviations from the approved detailed planned unit development shall be subject to appropriate enforcement action.

(10) Extensions, abandonment, expiration.

- a. Extensions of the time for accomplishing any matters set forth herein may be granted by the Administrator for good cause shown. In the event the Administrator disallows a requested extension, the petitioner may appeal said determination to the Commission.
- b. Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved detailed planned unit development for twenty-four (24) consecutive months), or upon the expiration of five (5) years from the expiration of a detailed planned unit development for a development which has not been completed (or the expiration of an extension granted by the Commission pursuant to section 731-217(b)(10)a), the Commission may initiate an amendment to the zoning ordinance so that the land will be zoned into a category or categories which most nearly approximate its then existing use or such other zoning category or categories which it deems appropriate.

(11) Rules of procedure. All proceedings brought under this section shall be subject to the Rules of Procedure of the Metropolitan Development Commission, where not inconsistent with the procedure otherwise stated herein.

(12) Limitation on rezoning. The Commission shall not initiate any amendments to the zoning ordinance concerning the property involved in a planned unit development before completion of the development as long as development is in conformity with the approved detailed planned unit development and is proceeding in accordance with the time requirements imposed herein.

(G. O. No. 100, 1989, § 2, 11-20-89)